



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೬೦ Volume - 160	ಬೆಂಗಳೂರು, ಶುಕ್ರವಾರ, ೧೦, ಜನವರಿ, ೨೦೨೫ (ಪುಷ್ಯ , ೨೦, ಶಕವರ್ಷ, ೧೯೪೬) BENGALURU, FRIDAY, 10, JANUARY, 2025 (PUSHYA, 20, SHAKAVARSHA, 1946)	ಸಂಚಿಕೆ ೦೯ Issue 09
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 29 ಕೇನಿಪು 2024

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03.01.2025.

ದಿನಾಂಕ: 12.09.2024 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Foreign Exchange (Compounding
Proceedings) Rules, 2024ರ Notification-GSR 566 (E)ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರುಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF FINANCE
(Department of Economic Affairs)

NOTIFICATION

New Delhi, the 12th September, 2024.

G.S.R. 566 (E).—In exercise of the powers conferred by clause (b) of sub-section (2) of section 46 read with sub-section (1) of section 15 of the Foreign Exchange Management Act, 1999 (42 of 1999), and in supersession of the Foreign Exchange (Compounding Proceedings) Rules, 2000, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

1. **Short title and commencement.** – (1) These rules may be called the Foreign Exchange (Compounding Proceedings) Rules, 2024.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.** - (1) In these rules, unless the context otherwise requires, -
 - (a) “Act” means the Foreign Exchange Management Act, 1999 (42 of 1999);
 - (b) “authorised officer” means an officer authorised under rule 3;
 - (c) “applicant” means a person who makes an application under sub-rule (4) of rule 4 or, as the case may be, sub-rule (4) of rule 5 to the compounding authority;
 - (d) “compounding order” means an order issued for compounding a contravention as specified in sub-section (1) of section 15 of the Act;
 - (e) “prescribed Form” means the Form annexed to these rules;
 - (f) “section” means a section of the Act.

(2) Words and expressions used in these rules and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. **Compounding authority.** - The Director of Enforcement or any of the following officers authorised by the Central Government shall be the compounding authority for the purposes of these rules, namely :-

- (a) an officer of the Directorate of Enforcement not below the rank of Deputy Director or Deputy Legal Adviser; or
- (b) an officer of the Reserve Bank not below the rank of the Assistant General Manager.

4. **Compounding authorities of Reserve Bank to compound various contraventions.** - (1) If any person contravenes any provision of the Act, other than a contravention of clause (a) of section 3 thereof,-

- (a) in a case, where the sum involved in such contravention does not exceed sixty lakh rupees, an officer not below the rank of the Assistant General Manager of the Reserve Bank;
- (b) in a case, where the sum involved in such contravention does not exceed two and a half crore rupees, an officer not below the rank of the Deputy General Manager of the Reserve Bank;
- (c) in a case, where the sum involved in such contravention does not exceed five crore rupees, an officer not below the rank of the General Manager of the Reserve Bank; and
- (d) in a case, where the sum involved in such contravention is above five crore rupees, an officer not below the rank of the Chief General Manager of the Reserve Bank,

may compound such contravention in accordance with the provisions of these rules.

(2) Nothing contained in sub-rule (1) shall apply to a contravention committed by any person within a period of three years from the date on which a similar contravention committed by him was compounded under these rules.

Explanation.- For the purposes of this rule, any second or subsequent contravention committed after the expiry of a period of three years from the date on which the contravention was previously compounded shall be deemed to be a first contravention.

(3) Every officer of the Reserve Bank specified under sub-rule (1) shall exercise the powers to compound any contravention subject to the direction, control and supervision of the Governor of the Reserve Bank.

(4) Every application for compounding any contravention under this rule shall be made in the prescribed Form to the Foreign Exchange Department, Reserve Bank, along with a fee of ten thousand rupees plus goods and services tax, as applicable, by demand draft, or National Electronic Fund Transfer (NEFT), or other permissible electronic or online modes of payment, in favour of the compounding authority.

5. **Compounding authorities of Directorate of Enforcement to compound various contraventions.** - (1) If any person contravenes the provisions of clause (a) of section 3 of the Act,-

- (a) in a case, where the sum involved in such contravention is five lakh rupees or below, by the Deputy Director of the Directorate of Enforcement;
- (b) in a case, where the sum involved in such contravention is more than five lakh rupees but less than ten lakh rupees, by the Additional Director of the Directorate of Enforcement;
- (c) in a case, where the sum involved in the contravention is ten lakh rupees or more but less than fifty lakh rupees, by the Special Director of the Directorate of Enforcement;
- (d) in a case, where the sum involved in the contravention is fifty lakh rupees or more but less than one crore rupees, by the Special Director along with the Deputy Legal Adviser of the Directorate of Enforcement; and
- (e) in a case, where the sum involved in such contravention is one crore rupees or more, by the Director of Enforcement along with the Special Director of the Directorate of Enforcement,

may compound such contravention in accordance with the provisions of these rules.

(2) Nothing contained in sub-rule (1) shall apply to a contravention committed by any person within a period of three years from the date on which a similar contravention committed by him was compounded under these rules.

Explanation. - For the purposes of this rule, any second or subsequent contravention committed after the expiry of a period of three years from the date on which the contravention was previously compounded shall be deemed to be a first contravention.

(3) Every officer of the Directorate of Enforcement specified under sub-rule (1) shall exercise the powers to compound any contravention subject to the direction, control and supervision of the Director of Enforcement.

(4) Every application for compounding any contravention under this rule shall be made in the prescribed Form to the Director, Directorate of Enforcement, New Delhi along with a fee of ten thousand rupees plus goods and services tax, as applicable, by demand draft, or National Electronic Fund Transfer (NEFT), or other permissible electronic or online modes of payment, in favour of the compounding authority.

6. **Discontinuation of adjudication.** - Where any contravention is compounded before the adjudication of such contravention under section 16, no inquiry or further inquiry shall be initiated or continued, as the case may be, for adjudication of such contravention against the person in relation to whom that contravention is so compounded.

7. **Discharge on compounding of contravention.** - Where the compounding of any contravention is made after making of a complaint under sub-section (3) of section 16, such compounding shall be brought by the compounding authority specified in rule 4 or rule 5, in writing, to the notice of the Adjudicating Authority and on such notice, the person in relation to whom the contravention is so compounded shall be discharged.

8. **Procedure for compounding.** - (1) The compounding authority may, in addition to the particulars provided in the prescribed Form, call for any information, record or any other documents relevant to the compounding proceeding to be placed before it and may, if necessary, require the applicant to take such action as may be necessary with respect transactions involved in the contravention.

(2) The compounding authority shall, on receipt of the application in the prescribed Form complete in all respects at the Reserve Bank or, as the case may be, the Directorate of Enforcement, after affording an opportunity of being heard to the applicant, pass compounding order as expeditiously as possible but not later than one hundred and eighty days from the date of receipt of such application.

9. **Contraventions not to be compounded in certain cases.** - No contravention shall be compounded, -

- (a) where the amount involved is not quantifiable; or
- (b) where the provisions of section 37A of the Act are applicable; or
- (c) where the Directorate of Enforcement is of the view that the proceeding relates to a serious contravention suspected of money-laundering, terror financing or affecting the sovereignty and integrity of the nation, the compounding authority shall not proceed with the matter and shall remit the case to the appropriate Adjudicating Authority for adjudicating contravention under section 13; or
- (d) where the Adjudicating Authority has already passed an order imposing penalty under section 13 of the Act; or
- (e) where the compounding authority is of the view that the contravention involved requires further investigation by the Directorate of Enforcement to ascertain the amount of contravention under section 13 of the Act.

10. **Payment of amount compounded.** - The sum for which the contravention is compounded as specified in the compounding order under sub-rule (2) of rule 8, shall be paid by demand draft or National Electronic Fund Transfer (NEFT), or Real Time Gross Settlement (RTGS), or such other permissible electronic or online modes of payment, in favour of the compounding authority within fifteen days from the date of the compounding order for such contravention.

11. **Consequences of failure in paying sum compounded.** - In case a person fails to pay the sum compounded in accordance with rule 10 within the time specified in that rule, he shall be deemed to have never made an application for compounding of any contravention under these rules, and the provisions of the Act for contravention shall apply to him.

12. **Contents of order of Compounding Authority.** - (1) Every compounding order shall specify the provisions of the Act or the rules or the regulations, directions, requisitions or orders made thereunder in respect of which contravention has taken place along with details of the alleged contravention.

(2) Every compounding order shall be dated and signed by the compounding authority under his seal.

13. **Copy of compounding order.** - One copy each of the compounding order passed under sub-rule (2) of rule 8 shall be provided to the applicant and the Adjudicating Authority.

14. **Continuation of pending proceedings.** - Any compounding application pending before the compounding authority, on the date of commencement of these rules, shall be governed by the provisions of the Foreign Exchange (Compounding Proceedings) Rules, 2000 superseded herein.

Form

[See rules 4(4), 5(4) and 8]

(The Form shall be accompanied by copy of the memorandum of contravention(s) issued, if any)

1. Name of the applicant

(in block letters)

2. Details of the applicant

(a) Full address:

(b) Phone No:

(c) E-mail ID:

(if the applicant is a person other than an individual, also provide name, address, phone no., email ID and designation of the authorised representative of the applicant)

(d) Income Tax PAN:

(e) ECS mandate:

(i) Name of the Party (Beneficiary)	-
(ii) PAN	-
(iii) Particulars of the Bank Account	-
A. Name of the Bank	-
B. Name of the Branch	-
Address:	
Telephone No:	-
C. Type of Account	- SAVINGS <input type="checkbox"/> CURRENT <input type="checkbox"/>
D. Account No. :	- (As appearing on the cheque book issued by the Bank)
E. The 9 Digit MICR Code Number:	- (As appearing on the cheque book issued by the Bank)
F. IFSC Code	- (As appearing on the cheque book issued by the Bank)

(iv) Checklist for Attachments (kindly tick):

Photocopy of PAN Card

☐

Photocopy of a cancelled blank cheque

☐

(v) I/We hereby declare that the particulars given above are correct and complete. If the transaction is delayed or not effected at all for reasons of incomplete or incorrect information, I/We would not hold the user institution responsible.

Date :

Signature of the Authorised Signatory

Place :

(Name of the Authorised Signatory)

Official Stamp

(f) Goods and Services Tax Identification Number:

3. Whether the applicant is resident in India or resident outside India (please refer to section 2(v) of the Act):
4. Whether any notice has been issued under rule 4 of the Foreign Exchange Management (Adjudication Proceedings and Appeal) Rules, 2000: Yes/No

If yes, then furnish the following details:

- (a) Name of the adjudicating authority, if any:
- (b) Date of issue of notice (attach a copy of the notice):
- (c) Whether the notice mentions that the contravention attracts the provisions contained in section 37A, or clause (a) of section 3 of the Act? Yes/No
- (d) Whether an adjudication order has already been passed by the adjudicating authority? Yes/No

5. Specific details of the contravention (according to sub-section (1) of section 13 of the Act):

- (a) Act:
- (b) Rules:
- (c) Regulations:
- (d) Notifications:
- (e) Order issued in exercise of the powers under the Act:
- (f) Condition subject to which an authorisation was issued by the Reserve Bank:

6. Whether a compounding order had been passed against an application submitted previously by the applicant for compounding under these rules? Yes/ No

If yes, kindly furnish the following details about the previous compounding order:

- (a) Date of application for compounding:
- (b) Contravention(s) sought to be compounded:
- (c) Date of compounding order:
- (d) Date of certificate issued by Reserve Bank on payment of amount imposed:

7. Brief facts of the case:
8. Details of fee for application of compounding:
9. Undertaking on Directorate of Enforcement investigation:

I/We further undertake to immediately inform in writing, the compounding authority prescribed in rule 4, if any investigation proceedings are initiated by the Directorate of Enforcement against me/us or the adjudication order is passed by the adjudicating authority at any time hereafter, but on or before the date of issuance of the compounding order in respect of the compounding application filed by me/us.

10. Any other information relevant to the case:

I/We declare that the particulars given above are true and correct to the best of my/our knowledge and belief and that I/we am/are willing to accept any direction/order of the compounding authority in connection with compounding of my/our case.

Date:

(Signature of applicant)

[F. No. 1/10/2023-EM]
SURBHI JAIN, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಅಭೀಫಾ ಉಸ್ತಾನಿ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-01

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 30 ಕೇನಿಪು 2024

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03.01.2025.

ದಿನಾಂಕ: 17.09.2024 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Telecommunications (Right of Way)
Rules, 2024ರ Notification-GSR 576 (E)ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರುಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 17th September, 2024

G.S.R. 576(E).— Whereas a draft of the Telecommunications (Right of Way) Rules, 2024, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 11, read with sub-sections (5) and (6) of section 12, read with sub-section (2) of section 15, read with sub-sections (1) and (2) of section 17, read with clauses (n), (o), (p), (q), (r), and (s) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), was published as required by sub-section (1) of the section 56 of the said Act *vide* notification of the Government of India in the Ministry of Communication, Department of Telecommunication number G.S.R. 373(E), dated the 9th July, 2024, in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated the 10th July, 2024, inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas copies of the said Official Gazette were made available to the public on the 10th July, 2024

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 11, read with sub-sections (5) and (6) of section 12, read with sub-section (2) of section 15, read with sub-sections (1) and (2) of section 17, read with clauses (n), (o), (p), (q), (r), and (s) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), and in supersession of the Indian Telegraph Right of Way Rules, 2016 and the Indian Telegraph (Infrastructure Safety) Rules, 2022, except as respects things done or omitted to be done before such supersession and without overriding the terms and conditions of existing permissions relating to right of way granted under those rules, which shall continue to apply till the date of expiry of such permissions, the Central Government hereby makes the following rules, namely:-

CHAPTER I PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Telecommunications (Right of Way) Rules, 2024.

(1)

(2) They shall come into force on the 1st day of January, 2025.

2. Definitions. – In these rules, unless the context otherwise requires, -

- (a) “Act” means the Telecommunications Act, 2023 (44 of 2023);
- (b) “common ducts” or “conduits” or “cable corridors” shall, either individually or collectively, mean any linear infrastructure of any size for housing utility lines including telecommunication lines;
- (c) “designated officer” means an officer designated by the Central Government for the purposes of these rules;
- (d) “duct” means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telecommunication line;
- (e) “*force majeure* event” means and is limited to—
 - (i) war or hostilities;
 - (ii) major riots or civil commotion;
 - (iii) earthquake, flood, tempest, lightening or other natural physical disasters; and
 - (iv) restrictions imposed by the Central Government or State Governments;
- (f) “mobile tower” means any above-ground contrivance, including that which may be dismantled and reassembled at another location, used for carrying, suspending or supporting a telecommunication network, but does not include a pole;
- (g) “nodal officer” means the nodal officer of the concerned public entity as specified in rule 4 for carrying out the purposes of these rules on behalf of such public entity;
- (h) “overground telecommunication network” means parts of a telecommunication network or telecommunication equipment established over the ground and includes telecommunication infrastructure that is portable, posts, pole, mobile tower, telecommunication line or other above-ground contrivances, appliances and apparatuses for the purpose of establishment or maintenance of the telecommunication network;
- (i) “pole” means any above-ground contrivance including mast of height not exceeding thirteen metres for carrying, suspending or supporting a telecommunication network, but does not include a mobile tower;
- (j) “portal” means the portal to be notified by the Central Government containing the links to one or more digital portals of various public entities;
- (k) “Schedule” means the schedule annexed to these rules;
- (l) “small cell” means a cellular radio access node that has a coverage of distance up to two kilometres;
- (m) “street furniture” means any post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole, metro lines and pillars, sign boards, hoardings, kiosks or any other structure or contrivance of such nature established over the property of public entity;
- (n) “telecommunication line” means a wire or wires or optical fibre used for telecommunication with

any casing, coating, tube or pipe enclosing the same, and any appliances and apparatuses connected therewith for the purpose of fixing or insulating the same;

- (o) “underground telecommunication network” means parts of a telecommunication network or telecommunication equipment established under the ground and includes ducts, manholes, marker stones, hand holes, submarine cables, telecommunication line, appliances and apparatuses for the purposes of establishment or maintenance of the telecommunication network.

(1)

- (2) Words and expressions used in these rules and not defined but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Application. – (1) These rules shall apply to permissions for right of way for telecommunication network.

(1)

- (2) Any public entity shall exercise the powers under these rules upon an application made by any facility provider seeking right of way for telecommunication network.

- (3) All applications, notifications, clarifications, permissions, objections or rejections under these rules, shall be made through the portal to the extent specified under these rules.

4. Public entity to appoint nodal officer. - Every public entity shall, within a period of thirty days from the date of notification of these rules, specify its nodal officer on the portal, for the purposes of these rules and any replacement of such officer shall also be specified on the portal by the concerned public entity within a period of seven days of such replacement.

5. Validity and renewal of permission for right of way. – The permission for right of way granted to a facility provider in respect of the underlying telecommunication network under these rules shall, unless such permission is terminated in accordance with these rules,—

- (a) remain valid for a period coterminous with the term of authorisation or license, or exemption from such authorisation or license, granted or, as the case may be, exempted, by the Central Government; and

- (b) continue to be valid for the term of any renewed authorisation or license, or the term of any renewed exemption from authorisation or license, renewed or, as the case may be, exempted, by that Government,

in accordance with the provisions of the Telecommunications Act, 2023 (44 of 2023), or the Indian Telegraph Act, 1885 (13 of 1885), or the rules made thereunder.

CHAPTER II

ESTABLISHMENT, OPERATION AND MAINTENANCE OF UNDERGROUND TELECOMMUNICATION NETWORK IN PUBLIC PROPERTY

6. Application by a facility provider. — (1) A facility provider seeking right of way in any public property for the purposes of establishment, operation or maintenance of underground telecommunication network, shall submit an application in such form and manner, as provided on the portal, by the concerned public entity which has ownership, control or management over such public property, along with supporting documents as specified under sub-rule (3), in such form and manner as may be specified by that public entity.

(1)

- (2) Where a facility provider requires a survey to be undertaken to enable it to make the application under sub-rule (1)-

the facility provider shall submit an application in such form and manner as provided on the portal by the concerned public entity, for seeking permission to conduct such survey; and

the public entity shall, within seven days of receipt of such application, grant permission for such survey and shall not charge any fee, as specified in Part-1 of the Schedule, to the facility provider for grant of such permission.

- (3) The information along with supporting documents to be provided by the facility provider, through the portal, in the application made under sub-rule (1) shall include-

- (a) a copy of the authorisation under the Telecommunications Act, 2023 (44 of 2023), or license under the Indian Telegraph Act, 1885 (13 of 1885), granted by the Central Government, or

exemption from such authorisation or license, as the case may be;

- (b) details of the underground telecommunication network proposed to be laid;
 - (c) if the right of way pertains to existing telecommunication network, a copy of as-built drawings of such telecommunication network;
 - (d) details of the mode of and the estimated duration for execution of the work;
 - (e) details of the estimated time of the day when the work is expected to be done, in case the facility provider expects the work to be done during specific time of the day;
 - (f) details of the estimated expenses the public entity may incur in consequence of the work proposed to be undertaken by the facility provider;
 - (g) details of the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
 - (h) details of the specific measures proposed to be taken to ensure public safety during the execution of the work;
 - (i) details of the need of facility provider for access to the telecommunication network sought to be established, for operating and maintaining such network;
 - (j) names and contact details of the employees of the facility provider for the purposes of communication in regard to the application made; and
 - (k) details of any other matter relevant, in the opinion of the facility provider, connected with or related to the work proposed to be undertaken.
- (4) Every application under sub-rule (1), shall be accompanied with fee as specified in Part-1 of the Schedule:

Provided that no fee, charge, rent, annuity, or any other financial levy or contribution or compensation in any form, shall be applicable for right of way related to any underground telecommunication network pertaining to any project notified by the Central Government.

7. **Grant of permission by public entity .** — (1) Upon examination of an application received under sub-rule (1) of rule 6, the public entity may-
- (a) seek clarifications or further documents, as may be required, through the portal, within a period of thirty days from the date of receipt of such application:
Provided that the public entity shall seek all such clarifications and additional documents, if any, in one consolidated requisition; and
 - (b) grant permission within a period of sixty-seven days from the date of receiving the application or proceed in the manner specified in sub-rule (3) and sub-rule (4).
- (1)
- (2) The permission granted by the public entity shall-
- (a) ensure that the area or cross-section of the underground telecommunication network for which right of way is granted shall be the length of duct multiplied by the diameter of the duct multiplied by the number of ducts;
 - (b) specify whether the permission is subject to the undertaking and bank guarantee for restoration of property under clause (a) of sub-rule (8) read with sub-rule (9), or compensation for any damage as specified in clause (b) of sub-rule (8); and
 - (c) specify other conditions including the time, and measures to mitigate public inconvenience or enhance public safety, the mode of execution of the right of way and the conditions relating to the needs of operation and maintenance of the telecommunication network so established:
- Provided that the public entity shall give due consideration to the mode of execution as specified by the facility provider under clause (d) of sub-rule (3) of rule 6.
- (3) Where the public entity has reasons to reject the application for right of way, it shall upload, within a period of forty-five days from the date of receipt of the application, such reasons on the portal and the facility provider shall respond to such reasons on the portal, within a period of fifteen days therefrom.

- (4) The public entity shall, after due consideration of the response of the facility provider under sub-rule (3), decide to either accept or reject the application for right of way and shall upload its decision on the portal within a period of seven days:
- Provided that any decision rejecting the permission for right of way shall record the reasons for rejection, in writing.
- (5) Upon rejection of permission by the public entity, the public entity shall refund to the facility provider ninety per cent of the fee paid under sub-rule (4) of rule 6, within a period of fifteen days from the date of such rejection.
- (6) If the public entity fails to either grant or reject permission within the timelines specified under this rule, the permission shall be deemed to have been granted, and such system generated deemed permission shall be automatically uploaded on the portal.
- (7) In cases of deemed permission issued under sub-rule (6), the public entity shall, within a period of seven days, generate through the portal, the terms and conditions of such deemed permission, which shall be based on the principles under sub-rule (2).
- (8) In order to address any damage to the property as a result of the works relating to the right of way, the facility provider shall, at the option of the public entity,-
- restore such property to the state as it existed prior to the execution of such activities; or
 - pay compensation for such damage as may be mutually agreed, not exceeding the amount as specified in Part-2 of the Schedule.
- (9) A public entity may seek restoration of the property by the facility provider under clause (a) of sub-rule (8) in cases where the grant of permission has been made subject to,-
- the provision of an undertaking as specified in the form available on the portal; and
 - a bank guarantee for an amount, not exceeding the amount specified in Part-2 of the Schedule, as security for performance by the facility provider, within such time as may be specified in the permission.
- (10) The facility provider shall, upon completion of restoration of the property, submit a certificate of such completion on the portal, after consideration of which the public entity shall return to the facility provider the bank guarantee provided under clause (b) of sub-rule (9), within a period of thirty days from such submission.
- (11) The public entity shall not levy any fee, charge, rent, annuity, or compensation or entry fee, for access, or seek any other financial contribution in any form, for the establishment, operation or maintenance of underground telecommunication network, other than those permitted under these rules.
- (12) The timelines specified for the execution of works pursuant to any permission granted under this rule, shall stand extended by the duration of any *force majeure* event as may be notified by the public entity in this behalf.

CHAPTER III

ESTABLISHMENT, OPERATION AND MAINTENANCE OF OVERGROUND TELECOMMUNICATION NETWORK IN PUBLIC PROPERTY

8. Application by a facility provider. — (1) A facility provider seeking right of way in any public property for the purposes of establishment, operation or maintenance of overground telecommunication network, shall submit an application, in such form and manner as provided on the portal by the concerned public entity which has ownership, control or management over such public property along with supporting documents as specified under sub-rule (3).

(1)

(2) Where a facility provider requires a survey to be undertaken to enable it to make the application under sub-rule (1)-

- the facility provider shall submit an application in such form and manner as provided on the portal by the concerned public entity, for seeking permission to conduct such survey; and
- the public entity shall, within seven days from the date of receipt of such application, grant

permission for such survey and shall not charge any fee, as specified in Part-1 of the Schedule, to the facility provider for grant of such permission.

(3) The information along with supporting documents to be provided by the facility provider, through the portal, in the application made under sub-rule (1) shall include-

- (a) a copy of the authorisation under the Telecommunications Act, 2023 (44 of 2023), or license granted under the Indian Telegraph Act, 1885 (13 of 1885), granted by the Central Government, or exemption from such authorisation or license, as the case may be;
- (b) details of the nature and location, including exact latitude and longitude, of post, mobile tower, portable telecommunication infrastructure or other above-ground contrivances proposed to be established;
- (c) details of the extent of land or floor space required for establishment of the overground telecommunication network;
- (d) details of the route plan for the overground telecommunication line, if any;
- (e) details of the building or structure or location, where the establishment of the overground telecommunication network is proposed;
- (f) copy of the approval issued by the Central Government for location of the above-ground contrivances proposed to be used for the transmission of radio waves or hertzian waves;
- (g) details of the mode of and the estimated time duration for execution of the work;
- (h) details of the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (i) details of specific measures proposed to be taken to ensure public safety during the execution of the work;
- (j) details of the need of facility provider for access to the telecommunication network sought to be established, for operating and maintaining such network;
- (k) details of technical design and drawings of the post or other above-ground contrivances;
- (l) where applicable, a copy of the certification of the technical design by a structural engineer authorised by a public entity, attesting to the structural safety of the overground telecommunication network;
- (m) where applicable, copy of the certification by a structural engineer authorised by a public entity, attesting to the structural safety of the building, if the post or other above-ground contrivances are proposed to be established on a building;
- (n) names and contact details of the employees of the facility provider for the purposes of communication in regard to the application made; and
- (o) details of any other matter relevant, in the opinion of the facility provider, connected with the work proposed to be undertaken:

Provided that the documents specified in clauses (b), (c), (e), (f), (k), (l) and (m) shall not be required in the event the right of way pertains only for establishment of overground telecommunication line.

(4) Every application under sub-rule (1) shall be accompanied with fee as specified in Part-1 of the Schedule:

Provided that no fee, charge, rent, annuity, or any other financial levy or contribution or compensation in any form, shall be applicable for right of way related to any overground telecommunication network pertaining to a project notified by the Central Government.

9. Grant of permission by public entity. – (1) Upon examination of an application received under sub-rule (1) of rule 8, the public entity may-

- (a) seek clarifications or further documents as may be required, through the portal, within a period of thirty days from the date of receipt of such application:

Provided that the public entity shall seek all such clarifications and additional documents, if any, in one consolidated requisition; and

- (b) grant permission within a period of sixty-seven days from the date of receiving the application or proceed in the manner specified in sub-rule (3) and sub-rule (4).

(1)

(2) The permission granted by the public entity shall-

- (a) ensure that the area of the overground telecommunication network for which right of way is granted, shall be inclusive of the area occupied by the telecommunication network and the supporting infrastructure.

Explanation.- For the removal of doubts, it is clarified that—

Where permission for a mobile tower has been granted, the area of the overground telecommunication network shall include the mobile tower as well as supporting infrastructure on the ground, including the base transceiver station and engine alternator;

- (b) specify the amount of compensation to be paid by the facility provider, as may be determined by the public entity in accordance with Part-3 of the Schedule; and
- (c) specify other conditions including the time, and measures to mitigate public inconvenience or enhance public safety, including structural safety of such overground telecommunication network, as well as the mode of execution of the right of way and conditions relating to the needs of operation and maintenance of the telecommunication network so established:

Provided that, the public entity shall give due consideration to the mode of execution as may be specified by the facility provider under clause (g) of sub-rule (3) of rule 8.

- (3) Where the public entity has reasons to reject the application for right of way, it shall upload, within a period of forty-five days from the date of receipt of the application, such reasons on the portal and the facility provider shall respond to such reasons on the portal within fifteen days therefrom.
- (4) The public entity shall, after due consideration of the response of the facility provider under sub-rule (3), decide to either accept or reject the application for right of way and shall upload its decision on the portal within a period of seven days;

Provided that any decision rejecting the permission for right of way shall record the reasons for rejection, in writing.

- (5) Upon rejection of permission by the public entity, the public entity shall refund to the facility provider ninety per cent of the fee paid under sub-rule (4) of rule 8, within a period of fifteen days from the date of such rejection.
- (6) If the public entity fails to either grant or reject permission within the timelines specified under this rule, the permission shall be deemed to have been granted, and such system generated deemed permission shall be automatically uploaded on the portal.
- (7) In cases of deemed permission issued under sub-rule (6), the public entity shall, within a period of seven days, generate through the portal, the terms and conditions of such deemed permission, which shall be based on the principles under sub-rule (2).
- (8) The facility provider shall pay compensation for any damage to the public property resulting from the laying of the overground infrastructure, on terms as may be mutually agreed, not exceeding such amount as specified in Part-2 of the Schedule.
- (9) The public entity shall not levy any fee, charge, rent, annuity, or compensation or entry fee, for access, or seek any bank guarantee or any other financial contribution in any form, for the establishment, operation and maintenance of overground telecommunication network, other than those permitted under these rules.
- (10) The timelines specified for the execution of works pursuant to any permission granted under this rule, shall stand extended by the duration of any *force majeure* event as may be notified by the public entity in this behalf.

10. Establishment of temporary overground telecommunication network. – (1) Where any damage is caused to any existing overground or underground telecommunication network, operated and maintained by a facility provider due to any reason, such facility provider may temporarily establish overground telecommunication network on the public property with a view to prompt restoration of the telecommunication service, by providing in writing, the details of the damage, through the portal, to the relevant public entity which has ownership, control or management over such public property:

Provided that for the purpose of establishing such temporary overground telecommunication network in a public property, no permission from the public entity is required.

- (1)
- (2) The facility provider shall ensure restoration of the affected overground or underground telecommunication network within a period of sixty days, but no later than ninety days from the date of reporting of the damage to the public entity.
- (3) Where the Central Government or a State Government, in public interest or in case of special public events, determines the need for the establishment of temporary overground telecommunication network, it shall issue directions-
 - (a) to an authorised entity for establishment of such temporary overground telecommunication network, along with details as regards to-
 - (i) type of such telecommunication network required;
 - (ii) its location as provided by the public entity; and
 - (iii) the duration for which such temporary overground telecommunication network is required to be maintained; and
 - (b) to the relevant public entity to-
 - (i) identify the public property on which such temporary overground telecommunication network may be established; and
 - (ii) provide necessary right of way permissions to the facility provider within the time limits as may be specified in such directions.
- (4) The authorised entity and the public entity shall comply with the respective directions specified under sub-rule (3) to enable establishment of such temporary overground telecommunication network, and the facility provider shall maintain the same for the duration specified under such directions.
- (5) In case the facility provider seeks to use the temporary overground telecommunication network so established pursuant to the directions under sub-rule (3) beyond the period specified in such directions, it shall seek permission of the public entity for such usage and provisions of rules 8 and 9 shall apply *mutatis mutandis*.
- (6) No fee charge, rent, annuity, or any bank guarantee or other financial levy or contribution or compensation in any form, shall be charged by the public entity for the establishment of temporary overground telecommunication network as specified in Part-3 of the Schedule.

11. Usage of street furniture for installation of small cells and telecommunication line. – (1) For the purpose of installation of small cells and telecommunication line on any public property, the facility provider shall submit through the portal an application seeking permission, to the relevant public entity which has ownership, control or management over such public property, along with,-

- (a) a copy of the authorisation under the Telecommunications Act, 2023 (44 of 2023), or license granted under the Indian Telegraph Act, 1885 (13 of 1885), granted by the Central Government, or exemption from such authorisation or license, as the case may be;
 - (b) details of the street furniture; and
 - (c) a copy of certification by a structural engineer authorised by a public entity, attesting to the structural safety of the street furniture upon which the installation of small cells and telecommunication line is proposed.
- (1)
 - (2) The facility provider may submit through the portal, a single application for installation of small cells and telecommunication line for single or multiple sites, at its option, with the information specified under sub-rule (1) and the public entity shall, upon receiving such application, issue a single or multiple permissions, as the

case may be.

- (3) No fee, charge, rent, annuity, or any other financial levy, bank guarantee or other financial contribution or compensation in any form, shall be levied on an application under sub-rule (1) or sub-rule (2) as specified in Part-1 of the Schedule.
- (4) Upon examination of an application received under sub-rule (1) or sub-rule (2), the public entity may-
 - (a) seek clarifications or further documents as may be required, through the portal, within a period thirty days from the date of receipt of such application:
 Provided that the public entity shall seek all such clarifications and additional documents, if any, in one consolidated requisition; and
 - (b) grant permission within a period of sixty-seven days from the date of receiving the application or proceed in the manner specified in sub-rule (5) and sub-rule (6).
- (5) Where the public entity has reasons to reject the application made under sub-rule (1) or sub-rule (2), it shall upload, within a period of forty-five days from the date of receipt of the application, such reasons on the portal and the facility provider may respond to such reasons on the portal within a period of fifteen days therefrom.
- (6) The public entity may, after due consideration of the response of the facility provider under sub-rule (5), decide to either accept or reject the application, and upload the same on the portal:
 Provided that any decision rejecting the permission shall record the reasons for rejection in writing.
- (7) If the public entity fails to either grant permission under sub-rule (4) or reject the application under sub-rule (6), the permission shall be deemed to have been granted, and such system generated deemed permission shall automatically be uploaded on the portal.
- (8) The public entity shall be entitled to receive compensation from the facility provider, the amount specified in Part-3 of the Schedule for use of street furniture for installation of small cells and telecommunication line.
- (9) The public entity shall also permit the deployment of small cells on buildings and structures or other public property under its ownership, control or management, and shall charge no administrative fee or compensation for such deployment, as specified in Part-3 of the Schedule:
 Provided that charges shall be levied by the public entity in respect of power consumption and fixtures in respect of such small cells, as per actuals.
- (10) The facility provider shall, at the option of the public entity, either restore any damage done to the property during deployment of small cells or pay compensation for any such damage, on the terms as may be mutually agreed.
- (11) The timelines specified for the execution of works pursuant to any permission granted under this rule, shall stand extended by the duration of any *force majeure* event as may be notified by the public entity in this behalf.

CHAPTER IV

PROVISIONS APPLICABLE FOR BOTH OVERGROUND AND UNDERGROUND TELECOMMUNICATION NETWORK IN PUBLIC PROPERTY

12. Right of way for telecommunication network for special projects. – (1) The Central Government may, in public interest, notify certain projects for the establishment of telecommunication network as special projects, the grant of right of way in respect of which, shall be governed by this rule.

2. Notwithstanding anything stated in sub-rule (1) of rule 7 or sub-rule (1) of rule 9 or sub-rule (4) of rule 11, in respect of a special project notified under sub-rule (1),-

- (a) Permission pursuant to an application for right of way for the establishment of underground telecommunication network under sub-rule (1) of rule 6, or overground telecommunication network sub-rule (1) of rule 8, or installation of small cells and telecommunication line under sub-rule (1) or sub-rule (2) of rule 11, shall be deemed to have been granted upon the submission of the application in the portal and such system generated deemed permission shall automatically be uploaded on the portal;
- (b) in respect of applications under sub-rule (1) of rule 6 or under sub-rule (1) of rule 8, the public entity shall, within a period of seven days from the date of such application, generate through the portal the terms and

conditions of such deemed permission, which shall be based on the same principles, had the permission been granted under sub-rule (2) of rule 7 or sub-rule (2) of rule 9, as the case may be.

(1)

(2)

(3) The public entity shall not levy any entry fee for access, or any charge, fee, rent, annuity, compensation, bank guarantee or any other financial contribution in any form, for the establishment, operation or maintenance of telecommunication network for special projects, or for restoration of the site where such projects are located, under this rule.

(4) Save as otherwise provided under this rule, all other provisions of these rules shall be applicable to special projects notified pursuant to sub-rule (1).

13. Obligations of facility provider in undertaking work. – Where a facility provider has been granted right of way under these rules, such facility provider shall ensure the-

(a) payment of all amounts as specified under these rules, and adherence to the terms and conditions of the grant of permission from the public entity;

(b) implementation of measures to mitigate public inconvenience and ensure public safety, including measures to ensure the structural safety of overground telecommunication network; and

(c) maintenance of up-to-date digital information relating to all underground telecommunication network established by such facility provider, including as-built information updated at a frequency as specified by the Central Government, through positional intelligence and other appropriate technology, which shall be shared and updated on demand, through the portal, with the designated officer, as may be notified by the Central Government in this behalf.

14. Powers of public entity with respect to ongoing work. – (1) The public entity may, for the purpose of monitoring or inspecting the execution of work by the facility provider to ascertain compliances with the conditions of the grant of permission, authorise an officer of the public entity.

(1)

(2) The concerned public entity may, on the basis of such monitoring and inspection, and after providing reasonable notice to the facility provider of the same, through the portal, impose such other reasonable, relevant and evidence-based conditions as it may think fit, to be recorded in writing.

(3) If the facility provider does not make payments required to be made pursuant to the terms and conditions for grant of permission, and within a period of fifteen days from the date of issuance of the notice for such termination, the public entity shall have the right to terminate the permission so granted.

(4) If the public entity comes to the conclusion that the facility provider has violated any of the conditions for grant of permission, other than as specified under sub-rule (3), it shall upload on the portal a notice to the facility provider, specifying the conditions alleged to have been violated and call upon the facility provider to show cause within a period of fifteen days, as to why action should not be taken under sub-rule (5).

(5) Upon due consideration of the response of the facility provider, if any, under sub-rule (4), the public entity concludes that there has been a violation of the condition for grant of permission of right of way, it may encash, in full or in part, the bank guarantee, if any, submitted by the facility provider pursuant to sub-rule (9) of rule 7, or withdraw the permission granted to the facility provider, or both, for reasons to be recorded in writing and uploaded on the portal.

CHAPTER V

ESTABLISHMENT, OPERATION AND MAINTENANCE OF TELECOMMUNICATION NETWORK IN PROPERTY OTHER THAN PUBLIC PROPERTY

15. Establishment of telecommunication network in property other than public property. – (1) Any facility provider desiring to enter any immovable property other than public property, for the purposes specified under sub-section (2) of section 12 of the Act, shall do so with the prior consent and enter into an agreement with the person who has ownership, control, or management over such property:

Provided that such person and the facility provider may mutually decide whether to get the agreement registered under the provisions of the Registration Act, 1908 (16 of 1908), pursuant to sub-section (3) of section 14 of the Act.

(1)

(2) An agreement under sub-rule (1) shall provide for matters relating to-

- (a) the time and manner of entry of the facility provider into the property, and advance notice, if any, to be provided for such entry;
- (b) the consideration to be payable by the facility provider;
- (c) the steps to be taken in the event of any damage to the property, including restoration of the property to its state as it existed prior to the undertaking of such activities, failing which, the facility provider shall pay compensation for such damage as may be mutually agreed; and
- (d) specify other conditions including measures to mitigate any inconvenience and enhance safety, including structural safety, as well as measures relating to maintenance of the telecommunication network so established.

(3) A public entity shall not levy any fees, charges, rent, annuity, compensation, or require any bank guarantee or any other financial contribution, for the establishment, operation and maintenance of telecommunication network in property other than public property.

(4) In the case of establishment, operation and maintenance of mobile tower or pole over such property, the facility provider shall, prior to commencement of such establishment, submit information in writing, in the form provided for this purpose on the portal, to the concerned public entity along with details of the building or structure where the establishment of the mobile tower or pole is proposed, and a copy of certification by a structural engineer authorised by a public entity, attesting to the structural safety of the building or structure where the mobile tower or pole is proposed to be established.

16. Manner of permitting right of way by Central Government in public interest.- (1) If a facility provider fails to reach an agreement with the person under sub-rule (1) of rule 15, it may submit an application through the portal, along with the supporting documents to the District Collector or other designated officer as may be notified by the Central Government in this behalf, within whose jurisdiction the property is situated, for a determination as to whether such right of way is necessary in public interest.

(1)

(2) Upon receipt of an application under sub-rule (1), the District Collector or other designated officer, as the case may be, shall within thirty days, either-

- (a) reject the application for permission of right of way; or
- (b) provide notice to the person having ownership, control or management over the relevant property, specifying the nature of right of way sought by the facility provider.

(3) Any notice under clause (b) of sub-rule (2), may be served on such person by a messenger in-person by handing over such notice and obtaining his signature on a copy thereof.

(4) In case, the service of such notice is not reasonably possible under sub-rule (3), then, such notice shall be sent to the concerned person by registered post with the acknowledgment or by speed post at his known residence and the delivery of such registered post or speed post to such person shall be the service on him of such notice and in case he refuses to receive such registered post or speed post, the remarks of such refusal by a post office official on the registered post or speed post shall be deemed to be the service on such person of such notice.

(5) In case, the service of such notice is not reasonably possible under sub-rules (3) and (4), then the contents of such notice shall be published in a leading newspaper, both in vernacular and in English, having wide circulation in the area or jurisdiction in which the concerned person resides, or carries on business, or personally works for gain, and such publication shall be deemed to be the service of such notice on such person.

(6) The person referred to in clause (b) of sub-rule (2), shall within fifteen days of the notice being served under sub-rule (3) or sub-rule (4) or sub-rule (5), as the case may be, may respond in writing in the form provided for this purpose, as regards the concerns and objections to the right of way, or conditions subject to which right of way may be considered.

(7) The District Collector or other designated officer, as the case may be, shall after taking into consideration the application under sub-rule (1) and the responses under sub-rule (6), determine by order in writing, whether

right of way for establishing, operating and maintaining the telecommunication network is to be permitted in public interest:

Provided that the time period for such determination shall not ordinarily exceed a period of sixty days from the date of receipt of the application under sub-rule (1).

- (8) The order referred to in sub-rule (7) granting permission for right of way shall specify the terms and conditions subject to which such permission is granted, including but not limited to-
- (a) the area over which the right of way is permitted and the nature of telecommunication network to be established;
 - (b) the charges payable by the facility provider and the time and manner of such payment;
 - (c) the obligations of the facility provider to operate, maintain, restore and repair any damage to the property resulting from the establishment of the telecommunication network, or compensation to be payable in the event of failure to undertake such restoration or repair; and
 - (d) other conditions including the time and measures to mitigate any inconvenience, or measures to enhance public safety, the mode of execution of right of way, and maintenance of the telecommunication network so established.

CHAPTER VI

COMMON DUCT AND CABLE CORRIDOR

17. Terms and conditions for open access of common ducts and cable corridors.— (1) Where the Central Government has notified an infrastructure project or class of infrastructure projects under section 15 of the Act, the public entity having ownership or control or management over such project shall provide for an online application process to enable facility providers to make an application for the purpose of installation of telecommunication network through such common duct or conduit or cable corridor established in such project.

(1)

- (2) Any application under sub-rule (1) shall be accompanied by information including-
- (a) a copy of the authorisation under the Telecommunication Act, 2023 (44 of 2023), or license under the Indian Telegraph Act, 1885 (13 of 1885), granted by the Central Government, or exemption from such authorisation or license, as applicable, in respect of which the telecommunication network is required;
 - (b) details of the underground or overground telecommunication network proposed to be laid;
 - (c) details of any other matter, in the opinion of the facility provider, connected with the work proposed to be undertaken; and
 - (d) details of any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government.
- (3) The public entity which is responsible for the infrastructure project or class of infrastructure projects, shall make available such common ducts or conduits or cable corridors for the installation of telecommunication network, on an open access basis, that is, non-discriminatory and non-exclusive, subject to payment of charges based on prevailing market rates and the principle of cost recovery over a minimum period of twenty-five years:

Provided that such charges shall not exceed the amount as may be notified by the Central Government from time to time for such infrastructure project or class of infrastructure projects.

CHAPTER VII

MISCELLANEOUS PROVISIONS

18. Right to seek removal, etc.— (1) Where any person having ownership or control or management over a property, considers that it is necessary and expedient and for a reasonable cause, to remove, relocate or alter the overground or underground telecommunication network that has been placed by a facility provider upon that property, such person shall issue a notice to the facility provider specifying the reasons for seeking removal, relocation or alteration of such telecommunication network.

(1)

- (2) On receipt of the notice under sub-rule (1), the facility provider shall, forthwith, and within a period of thirty days, proceed to submit, to such person, a detailed plan for such removal, relocation or alteration, and the expense for such works.
- (3) The responsibility and liability, including the cost for removal, relocation or alteration of such telecommunication network shall be borne by the facility provider: Provided that the person issuing notice under sub-rule (1) shall defray such expenses from the compensation, if any, that such person may have received from the facility provider under clause (b) sub-section (6) of section 11, or sub-section (4) of section 12 of the Act.
- (4) The facility provider shall ensure that any works relating to removal, relocation or alteration of such telecommunication network under this rule, shall be completed within a period of ninety days from the date of receipt of notice under sub-rule (1) to the facility provider.

19. Procedure for exercising legal right to deal with property. — (1) Any person desiring to exercise legal right to deal with his property in such manner as is likely to cause damage to, or interrupt, or interfere with, any overground or underground telecommunication network duly placed in accordance with the provisions of the Act and these rules, shall upload on the portal, a notice containing the information with respect to exercise of such legal right, which shall include the following details, namely:-

- (a) name, address and relevant contact details of the person desiring to exercise his legal rights;
- (b) date and time of starting the work, as well as description and location, for the exercise of such legal right;
- (c) the reasons why digging, or excavation or other action is required for the exercise of such legal right, the likelihood of interference with the telecommunication network, and why action under rule 18 is not required; and
- (d) the presence of emergency, if any, that requires an expeditious response.

(1)

- (2) The facility provider responsible for the operation and maintenance of the telecommunication network on the property, shall, on uploading of notice by the person under sub-rule (1), provide through the portal, the details of telecommunication network falling under or over or along such property, as well as precautionary measures that are required to be implemented by the person undertaking the works, in order to avoid damage to the telecommunication network, within the following timelines, namely:-
 - (a) where any emergency has been specified in the notice uploaded under sub-rule (1) a period not exceeding twenty-four hours; or
 - (b) in all other situations, a period of seven days from the date of uploading of the notice under sub-rule (1).
- (3) The person exercising legal rights under this rule shall implement all precautionary measures as specified by the facility provider under sub-rule (2).
- (4) Where the facility provider fails to respond to notice under sub-rule (1), within the timelines specified under sub-rule (2), the person uploading such notice, shall undertake the exercise of legal rights with reasonable precautions with regard to the telecommunication network that is likely to be impacted by the exercise of such rights.

20. Damage to telecommunication network resulting from action under rule 19. – (1) Without prejudice to the provisions of sub-rule (4) of rule 19, a person who in exercise of legal rights under the said rule causes damage to an underground or overground telecommunication network duly placed in accordance with the provisions of the Act and these rules, shall be liable to pay compensation for such damage to the facility provider.

- (2) The quantum of compensation for damage under sub-rule (1) shall be computed based on expenses incurred by the facility provider in undertaking repair and restoration of the affected telecommunication network.
- (3) Every dispute relating to compensation under this rule shall be addressed in accordance with sub-section (2) of section 18 of the Act.

21. Applicable taxes, cess and levies.- Subject to the provisions of sub-section (3) of section 14 of the Act, any charge payable to the public entity under these rules shall be exclusive of taxes, cess and levies as applicable under laws for the time being in force.

22. Interpretation.- For the purposes of clarity, expression “days” used in these rules shall, subject to the provisions of section 10 of the General Clauses Act, 1897 (10 of 1897) and period of limitation provided under the provisions of the Limitation Act, 1963 (36 of 1963), include all public holidays.

SCHEDULE

[See rules 6(2)(b), 6(4), 7(8)(b), 7(9)(b), 7(11), 8(2)(b), 8(4), 9(2)(b), 9(8), 10(6), 11(3), 11(8) and 11(9)]

Rule	Item	Amount
(1)	(2)	(3)
Part-1: Fee for examining applications		
6(2)(b)	Application fee for examining of the application to undertake a survey in respect of underground telecommunication network	Nil.
6(4)	Application fee for examining of the application for establishment of underground telecommunication network	One time charge of one thousand rupees per kilometre for all underground telecommunication network including submarine cables on land or in territorial waters.
8(2)(b)	Application fee for examining of the application to undertake a survey in respect of overground telecommunication network	Nil.
8(4)	Application fee for examining of the application for establishment of overground telecommunication network	One time charge as specified below: (a) ten thousand rupees per tower for establishment of mobile towers; (b) one thousand rupees per kilometre for establishment of overground telecommunication line; and (c) nil for establishment of poles, for installation of small cells and telecommunication line.
11(3)	Application fee for examining of the application for usage of street furniture for installation of small cells and telecommunication line	Nil.
Part-2 Compensation for damage or bank guarantee for restoration		
7(8)(b)	Compensation for restoration of property to the state as it existed prior to the establishment of underground telecommunication network where undertaking to restore the property is not required by the public entity.	(a) Sum required to restore public property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by the Central Public Works Department for that area. (b) The rate as referenced in clause (a) shall not exceed the rate charged by the Central Public Works Department or the public works department for its own work: Provided that in case of laying of underground telecommunication network through horizontal directional digging method, the compensation for restoration of property shall be limited to the area of the pits only.
7(9)(b)	Bank guarantee as security for performance in case of establishment of underground telecommunication network where undertaking is specified by the public entity for the facility provider to discharge the responsibility to restore the	Twenty per cent of the sum required to restore public property as per the rate prescribed by the Central Public Works Department for that area or as per the rate prescribed by the State public works department for that area, if no rate has been prescribed by central public works department for that area.

Rule	Item	Amount
(1)	(2)	(3)
	damages	
9(8)	Compensation for restoration of property to the state as it existed prior to the establishment overground telecommunication network.	(a) Sum required to restore public property as per the rate prescribed by the Central Public Works Department for that area or as per the rate prescribed by the State public works department for that area, if no rate has been prescribed by the Central Public Works Department for that area. (b) The rate referenced under clause (a) shall not exceed the rate charged by the Central Public Works Department or the public works department for its own work. (c) In case of overground telecommunication network, the facility provider shall restore the damage to the property incurred in case of establishment of poles for installation of small cells and telecommunication line.
Part-3 Compensation for right of way		
7(11)	Establishment of underground telecommunication network	Nil.
9(2)(b)	Establishment of over ground telecommunication network	Where the establishment of the telecommunication network renders the public property unlikely to be used for any other purpose, compensation for the value of the public property, either once or annually, assessed on such rates as that public entity may, by general order, specify: Provided that in all other cases and establishment of poles for installation of small cells and telecommunication line, the compensation shall be nil.
10(6)	Establishment of temporary over ground telecommunication network	Nil.
11(8)	Usage of street furniture for installation of small cells and telecommunication line	(a) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture; and (b) For installation of telecommunication line: One hundred rupees per annum per street furniture. Provided that the public entity shall provide the facility provider the option of payment of annual fees in advance for a period of five years, through a consolidated payment equal to five times the amounts specified under clause (a) and clause (b), as applicable.
11(9)	For the deployment of small cells on building or structures under the ownership, control or management of public entities.	Nil.

[F. No. 24-01/2024-UBB]

DEVENDRA KUMAR RAI, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಅಭೀಘಾ ಉಸ್ತಾನಿ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-02

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 31 ಕೇನಿಪು 2024

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03.01.2025.

ದಿನಾಂಕ: 16.10.2024 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Offshore Areas Operating Right Rules,
2024 ರ Notification-GSR 646 (E)ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ
ಮರುಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 16th October, 2024

G.S.R. 646(E).—In exercise of the powers conferred by section 35 of the Offshore Areas Mineral (Development and Regulation) Act, 2002 (17 of 2003) and in supersession of the Offshore Areas Mineral Concession Rules, 2006 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. **Short title and commencement.**— (1) These rules may be called the Offshore Areas Operating Right Rules, 2024.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) **2. Definitions.**— (1) In these rules, unless the context otherwise requires, -
 - (a) “Act” means the Offshore Areas Mineral (Development and Regulation) Act, 2002 (17 of 2003);
 - (b) “auction premium” means the amount payable by the lessee under sub-rule (2) of rule 13 of the Offshore Areas Mineral (Auction) Rules, 2024;
 - (c) “Form” means form appended to these rules;
 - (d) “illegal mining” means any reconnaissance operation or exploration operation or production operation undertaken by any person or company in any offshore area without holding an operating right as required under sub-section (1) of section 5 of the Act or, outside the boundaries of the offshore area for which the operating right has been granted:

Provided that violation of any rules, other than the rules made under clause (pa) of sub-section (2) of section 35 of the Act, within the licence area or lease area, by a licensee or a lessee shall not be construed as illegal mining;
 - (e) “incidental mineral extraction” means any extraction or excavation of minerals from an offshore area while undertaking any infrastructure project or other works by the Government or any person duly authorised by the Government to undertake such project or works and shall not include extraction by a holder of operating right in the area for which the operating right has been granted to him;
 - (f) “lease area” means the area for which a production lease has been granted in accordance with the Act and the rules made thereunder;
 - (g) “licence area” means the area for which a composite licence has been granted in accordance with the provisions of the Act and the rules made thereunder;
 - (h) “run-of-mine” means the raw unprocessed or uncrushed material in its natural state obtained after dredging or mining, from the mineralised zone of a lease area;
 - (i) “Schedule” means the Schedule appended to these rules; and
 - (j) “threshold value in respect of atomic minerals” means the grade of atomic mineral, specified as percentage of weight of the prescribed substances contained in the ore, as

specified and notified in Schedule A of the Atomic Mineral Concession Rules, 2016 made under the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) as the threshold value for the particular atomic mineral occurring as such, or in association with one or more minerals.

- (2) The words and expressions used herein but not defined herein but in the Act shall have the same meaning as assigned to them in the Act or the rules made thereunder.

3. Application. — These rules shall apply to all minerals in the offshore areas, except—

- (i) mineral oils and hydrocarbons as specified in sub-section (1) of section 3 of the Act; and
- (ii) atomic minerals having grade equal to or greater than the threshold value in respect of atomic minerals.

4. Saving of rules made under other enactments. — Nothing in these rules shall affect the provisions of rules made under the Atomic Energy Act, 1962 (33 of 1962) in respect of licensing relating to minerals specified in Part B of the First Schedule to the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957).

CHAPTER II

AVAILABILITY OF OFFSHORE AREAS FOR GRANT OF OPERATING RIGHT

5. Availability of offshore areas for grant of operating right.— (1) No offshore area shall be available for grant of any operating right unless the availability of the area for grant is notified by the administering authority in the Official Gazette specifying a date from which such area shall be available for grant under section 10 of the Act.

- (2) The Central Government shall consult the Ministry of Defence; Ministry of Environment, Forest and Climate Change; Ministry of Home Affairs; Ministry of External Affairs; Department of Space; Department of Telecommunications; Department of Fisheries under the Ministry of Fisheries, Animal Husbandry and Dairying; Ministry of Earth Sciences; Ministry of Ports, Shipping and Waterways; Ministry of Petroleum and Natural Gas; Ministry of Science and Technology; Ministry of New and Renewable Energy; Department of Atomic Energy and any other Ministry or Department as may be considered necessary by the Central Government, before notifying any offshore area under sub-rule (1).
- (3) Where a reconnaissance operation or exploration operation is to be undertaken by any agency specified or notified under the proviso to sub-section (1) of section 5 of the Act, no notification under sub-rule (1) shall be required:

Provided that the administering authority shall issue an order thirty days prior to the commencement of the operations giving details of the offshore area and period for which the reconnaissance operation or exploration operations are to be undertaken and a copy of such order shall be endorsed to the Ministries or Departments as specified under sub-rule (2).

CHAPTER III

OPERATING RIGHTS TO GOVERNMENT, GOVERNMENT COMPANIES OR CORPORATIONS

6. Grant of operating rights to Government, Government companies or corporations.— (1) The administering authority may grant operating rights for any offshore area reserved under sub-section (1) of section 8 of the Act, or any part thereof, to the Government, or a Government company or a corporation, in accordance with sub-section (3) of section 8 of the Act.

- (2) The Central Government shall consult the Ministries or Departments as specified under sub-rule (2) of rule 5 before grant of any operating rights under sub-rule (1).
- (3) All production leases granted to the Government, Government company or corporation for minerals under sub-section (3) of section 8 of the Act shall be for a period of fifty years.
- (4) All composite licences granted to the Government, Government company or corporation for minerals under sub-section (3) of section 8 of the Act shall be for a period of three years:

Provided that the administering authority may, on an application made by the licensee within a period of three months before the lapse of the said period, for reasons to be recorded in writing and subject to such conditions as may be specified, grant an extension for a period of two years to the licensee for satisfactory completion of the exploration operations:

Provided further that no further extension shall be granted upon expiry of the extended period, if any, granted under the first proviso.

- (5) All the terms and conditions, including payment of amounts under the Act, applicable to a licensee or a lessee, selected in accordance with the Offshore Areas Mineral (Auction) Rules, 2024 shall, except for the procedure for grant of composite licence or a production lease, apply *mutatis mutandis* to the Government, or a Government company, or a corporation which has been granted composite licence or a production lease under sub-section (3) of section 8 of the Act.

CHAPTER IV

TERMS AND CONDITIONS OF OPERATING RIGHTS

7. **Terms and conditions of a composite licence.**— (1) An exploration licence deed of the composite licence containing the terms of the composite licence shall be executed in Form I with a successful bidder under sub-rule (4) of rule 18 of the Offshore Areas Mineral (Auction) Rules, 2024.
- (2) Every composite licence granted under these rules, shall, in addition to any other conditions that may be specified therein, be subject to the following conditions, namely:—
- (a) for mineral block, the licensee may win and carry, for purposes other than commercial purposes—
 - (i) any quantity of such minerals within the limits specified in column (3) of the Schedule without any payment;
 - (ii) any quantity of such minerals not exceeding the limits specified in column (4) of the Schedule on payment of royalty specified in the First Schedule to the Act in respect to those minerals:

Provided that if any quantity in excess of the quantities referred to in this clause is won and carried away, the administering authority shall recover the value of the excess quantity of minerals won and carried away and may initiate action under section 23 of the Act;
 - (b) with the prior approval of the administering authority, the licensee may carry away quantities of minerals in excess of the limits specified in the Schedule, on payment of royalty specified in the First Schedule to the Act, for chemical, metallurgical, beneficiation or ore-dressing and other test purposes;
 - (c) if the licensee is convicted of illegal mining and there are no orders of any court of law suspending the operation of the order of such conviction, the Central Government may, without prejudice to any other proceedings that may be initiated under the Act or the rules made thereunder, terminate such composite licence and forfeit the performance security submitted by the licensee, after giving such licensee an opportunity of being heard and for reasons to be recorded in writing and communicated to the licensee;
 - (d) the licensee shall take all necessary steps and measures for enabling the natural rehabilitation of the seabed affected by exploration operations, including any measures as may be specified by the Central Government;
 - (e) the licensee shall comply with the provisions of the Act and the rules made thereunder including rules made under section 19A of the Act and directions issued under section 21 of the Act;
 - (f) the licensee shall make available all exploration data, reports, samples, including the data pertaining to quantum of such samples won and extracted, and other relevant information collected by him pursuant to an exploration operation, and shall submit the following reports, namely:—
 - (i) quarterly report within a period of thirty days after the close of the quarter;
 - (ii) annual report within a period of sixty days after the close of the year;
 - (iii) any other report as may be specified in the composite licence,

to the Geological Survey of India, administering authority, Indian Bureau of Mines and such other authority as may be specified;
 - (g) the licensee shall not share any data collected during the course of exploration operations with any third party for storage, processing or interpretation without the prior approval of the administering authority;

- (h) the licensee shall allow any officer authorised by the administering authority or the Central Government to enter upon any vessel, platform, installation or any other infrastructure in the licence area for the purpose of inspecting the same;
- (i) the licensee shall maintain an accurate and true account of all the expenses incurred by it on exploration operations, and also the quantity and other particulars of all minerals obtained during such operations and their dispatch;
- (j) the licensee shall maintain a daily log of data collected during the course of exploration operations on the vessel or installation whereby such operations are being carried out in the licence area and shall allow any officer authorised by the Central Government or the administering authority in this behalf to inspect such data logs and the licensee shall also comply with any other reporting requirements specified in the composite licence;
- (k) the licensee shall have the right to deploy vessels, drones and bring upon the licence area all such temporary buoys, structures, steam and other engines, machineries, conveniences, and effects as may be deemed proper and necessary for effectively carrying on its exploration operations or for the employment of workmen thereon;
- (l) the licensee shall comply with all applicable laws and regulations pertaining to movement and deployment of vessels, installations, machineries, engine, platforms, drones and other installations or implements in the offshore areas;
- (m) the licensee shall ensure that any vessel, installation, machinery, engine, platform, drone and other installations or implements that have been deployed by it in the offshore areas have on board, and use equipments, such as satellite tracking equipments and voyage data recorder, that monitors and reports their activity;
- (n) the licensee shall, within a period of six months after the expiry or termination of the composite licence or date of abandonment of operations or surrender of excess area in accordance with the first proviso to sub-rule (7) of rule 18 of the Offshore Areas Mineral (Auction) Rules, 2024, whichever is earlier-
 - (i) take all necessary steps enabling the natural rehabilitation of the seabed affected by exploration operations, including any measures as may be specified by the Central Government; and
 - (ii) remove expeditiously at his own cost, all vessels, structures, buoys, engines, machineries, implements, equipments and other property and effects erected or brought by the licensee on or in the licence area together with all minerals won by the licensee:

Provided that the provisions of this clause shall not apply, in the case of the area over which the licensee has been granted a production lease on or before the expiry or termination of the composite licence, as the case may be;

- (o) the licensee shall give at least two months' notice prior to commencement of the exploration operation to the administering authority, the Indian Bureau of Mines and Naval Headquarters (Directorate of Naval Intelligence), Ministry of Defence, to ensure that such operations do not interfere with any naval exercise in the area;
- (p) in case foreign domiciled entities or foreign entities or contractors, personnel, vessels or equipments are engaged or deployed, for undertaking exploration operations, prior approval shall be obtained from the Government authorities, including any specific approvals mandated by the Central Government; any data collected and work carried out shall be under the supervision and control of Indian representatives of the licensee, who shall ensure appropriate security safeguards;
- (q) the licensee shall ensure that the data generated during exploration operations, including any geological data, is processed, by foreign entities or contractors, in India and such processed and unprocessed data may be imparted to any foreign entity only with prior approval of the administering authority;
- (r) prior to their deployment all vessels, to be deployed and installations to be erected, for exploration operations by the licensee himself or contracted companies, shall undergo and clear security inspection of the Indian Navy under the aegis of the Flag Officer Commanding-in-Chief of the concerned Naval Command and Flag Officer, Offshore

Defence Advisory Group and a clear one month's notice shall be given by the licensee to the said officers to facilitate such inspection and clearance;

- (s) all vessels to be deployed for exploration operations by the licensee shall obtain prior clearance from the Directorate General of Shipping in terms of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder;
- (t) intimation regarding award of contracts to contracted companies or persons along with relevant details of the contracts, including the name of the contracted entity, duration of the contract, subject matter of the contract, nature of equipment employed and data to be collected, if any, shall be forwarded to the Naval Headquarters (Directorate of Naval Intelligence), Ministry of Defence, along with a copy to the administering authority, before commencement of the operations by the licensee, providing six monthly long case on vessels deployment by operating companies;
- (u) visa, and such other permissions as may be required under the law for the time being in force, shall have to be obtained from the Government authority for all foreign personnel on board the vessel;
- (v) the licensee shall take all precautionary measures for safety and security of all vessels and equipments deployed for exploration operations and the personnel onboard;
- (w) the licensee shall, for issuing the marine safety warnings, immediately inform the Flag Officer, Offshore Defence Advisory Group and the administering authority, the location indicating co-ordinates of all vessels, existing and under construction offshore installations or platforms, equipments and machineries deployed within the licence area, and thereafter its new location as and when it is shifted;
- (x) the licensee shall not interfere with any right of way in recognised sea lanes for the purposes of navigation or any other purpose as may be authorised by the Central Government;
- (y) the licensee shall allow reasonable facilities of access to the licensees or lessees over any area which is comprised in or adjoins or is reached by the licence area held by the licensee:

Provided that no substantial hindrance or interference shall be caused by the licensees or lessees to the operations of the licensee and fair compensation, as may be mutually agreed upon or in the event of disagreement as may be decided by the administering authority, shall be paid by them to the licensee for any loss or damage sustained by the licensee;

- (z) the licensee shall use its best efforts to avoid obstructions to or interference with any petroleum operations or any operations pertaining to offshore wind power projects or such other operations being carried out or proposed to be carried out by an operator, duly authorised by the Government authority, within the licence area;
- (za) failure on the part of the licensee to fulfil any of the terms and conditions of the Act and the rules made thereunder or under the composite licence shall not give the Central Government or the administering authority any claim against the licensee or be deemed a breach of the composite licence, in so far as such failure is considered by the Central Government to arise from a *force majeure* and in the event of any delay by the licensee to fulfill any of the terms and conditions of the Act and the rules made thereunder or under the composite licence on account of a *force majeure*, the period of such delay shall be added to the period fixed by these rules or the composite licence;

Explanation.— For the purposes of this clause, the expression “*force majeure*” means act of god, war, insurrection, riot, civil commotion, strike, earthquake, storm, tidal wave, flood, lightning, explosion, fire, or any other happening which the licensee could not reasonably prevent or control;

- (zb) the licensee shall ensure that all personnels, vessels, installations, equipments and infrastructure deployed for the purposes of exploration operations in the licence area shall, at all times during the term of the composite licence, be insured by the licensee in accordance with such regulatory requirements, as applicable under any law for the time being in force, and such other terms and conditions as may be specified by the Central Government or the administering authority;

- (zc) the Central Government shall at all times have the right of pre-emption of the minerals won from the licence area in respect of which the composite licence has been granted:

Provided that the average sale price as published by the Indian Bureau of Mines prevailing at the time of pre-emption shall be paid to the licensee for all such minerals;

- (zd) the licensee shall not carry on or allow to be carried on, any exploration operations at any point within a distance of five hundred metres from any telecommunication cables, offshore wind turbine generators, offshore power sub-stations, oil platform or pipelines, underwater archaeological sites, defence installations or any port area, except under and in accordance with the prior approval of the competent authority and any officer authorised by the administering authority or the Central Government in this behalf and the said distance of five hundred metres shall be measured from the outer edge of the relevant vessel, structure or installation, as applicable;
- (ze) the Central Government, or any lessee or person authorised by it in that behalf by the administering authority or the Central Government, shall have the right to enter into or upon the licence area and lay upon or maintain, repair or replace, over or through the same, any pipelines, cables, offshore wind turbine generators, offshore power sub-stations or any other purpose authorised by the Central Government or the administering authority, as the case may be:

Provided that no substantial hindrance or interference shall be caused to, or with, the liberties, powers and privileges of the licensee, and fair compensation, as may be mutually agreed upon, or in the event of disagreement, as may be decided by the administering authority, shall be made –

- (i) to the licensee for all loss or damage or substantial hindrance or interference caused to the licensee by such other lessee or person authorised by the administering authority or the Central Government, as the case may be;
- (ii) by the licensee for all loss or damage or substantial hindrance or interference caused to such other lessee or person authorised by the administering authority or the Central Government, as the case may be;
- (zf) the licensee shall forward to the Directorate General of Shipping, Director General, Indian Coast Guard, administering authority and any other Government authority, without delay, a report of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of its exploration operations;
- (zg) the licensee shall not employ, in connection with the exploration operations, any person who is not an Indian national except with prior approval of the administering authority;
- (zh) the licensee shall not carry on his operations in a manner that would injure any person or prejudicially affect any installations, vessels, works, property or rights of other persons and no offshore area shall be used by the licensee for exploration operations for works or purposes not included in the composite licence;
- (zi) the licensee shall ensure the safety of vessels, installations or any other implements in the licence area, to the satisfaction of the administering authority or any other Government authority, as the case may be; and
- (zj) the licensee shall work and carry on the exploration operations in a proper, skilful and workman-like manner.
- (3) In addition to the conditions specified in sub-rule (2), a composite licence may contain following conditions, as the administering authority or the Central Government as may deem fit to impose, namely:-
- (i) indemnity to the Central Government and administering authority against claims of third parties;
- (ii) measures, as specified by the Central Government, pertaining to prevention and control of pollution and conservation of marine ecosystem in protected areas including, marine national parks, marine sanctuaries or any other area, as may be specified by the Central Government;
- (iii) restrictions on exploration operations in any area prohibited by any competent authority;

- (iv) the reporting of accidents;
 - (v) conditions regarding entry in certain parts of offshore areas;
 - (vi) facilities to be given by the licensee for working other minerals, mineral oil and hydrocarbon resources in the licence area or adjacent areas; and
 - (vii) any other conditions specified in the tender document for auction for grant of composite licence.
- (4) The administering authority may, either with the prior approval of the Central Government or at the instance of the Central Government, impose such further conditions as may be necessary in the interest of conservation and development of minerals.
- (5) In the case of breach of any condition imposed on any licensee under the Act and the rules made thereunder, the Central Government, by order in writing, terminate the composite licence and forfeit, in whole or part, the performance security submitted by the licensee and take such other action in accordance with the Act and the rules made thereunder:

Provided that no such order shall be made without giving the licensee a reasonable opportunity of being heard and without recording the reasons in writing.

8. Terms and conditions of a production lease.— (1) The production lease granted by way of a production lease deed to-

- (a) a successful bidder under sub-rule (7) of rule 10 of the Offshore Areas Mineral (Auction) Rules, 2024; or
- (b) the holder of a composite licence under sub-rule (9) of rule 18 of the Offshore Areas Mineral (Auction) Rules, 2024, who has made an application for grant of production lease under clause (b) of sub-rule (6) of rule 18 of the Offshore Areas Mineral (Auction) Rules, 2024 in Form II,

shall be, in each case, in Form III.

(2) Every production lease shall be subject to the following conditions, namely:-

- (a) the lessee shall pay, for every year of the production lease period, such yearly fixed rent at the rates specified in the Second Schedule to the Act, and if the production lease permits the working of more than one mineral in the same area, the Central Government shall not charge separate fixed rent in respect of each mineral:

Provided that the lessee shall be liable to pay the fixed rent or royalty in respect of each mineral, whichever is higher;

- (b) the lessee shall also pay for any area used by it for the purposes of production operations, surface rent and other applicable charges, fees, taxes, cess, duties and levies, applicable for such area, as may be specified or imposed by the Central Government;
- (c) the lessee shall commence production operations within a period of two years, as specified under clause (c) of section 14 of the Act, from the date of execution of the production lease deed and shall thereafter conduct such operations in a proper, skilful and workman-like manner;

Explanation.— For the purposes of this clause, “production operations” shall include deployment of any vessel, erection of buoys, operation of engines or machineries, implementation of equipments, construction of artificial island or platform and premises in the lease area or any other operation undertaken for the purpose of winning of minerals;

- (d) the lessee shall not carry on or allow to be carried on, any production operations at any point within a distance of five hundred metres from any telecommunication cables, offshore wind turbine generators, offshore power sub-stations, oil platform or pipelines, underwater archaeological sites, defence installations or any port area, except under and in accordance with the prior approval of the competent authority and any officer authorised by the administering authority or the Central Government in this behalf and the said distance of five hundred metres shall be measured from the outer edge of the relevant vessel, structure or installation, as applicable;
- (e) the lessee shall keep accurate and true accounts showing the quantity and other particulars of –

- (i) all minerals obtained and dispatched from the lease area;
 - (ii) waste material excavated from the lease area;
 - (iii) the number and nationality of persons employed therein;
 - (iv) complete plans of the lease area, and shall allow any officer authorised by the Central Government or administering authority in this behalf to examine at any time any accounts, plans, data logs and records maintained by him and shall furnish the administering authority with such information and returns as it or any officer authorised by it in this behalf may require; and
 - (v) any other reporting requirements specified in the production lease;
- (f) the lessee shall keep accurate records of all excavations, pits and drillings made by the lessee in the course of production operations carried on by the lessee under the production lease and shall allow any officer authorised by the Central Government or administering authority to inspect the same and such records shall contain the following particulars, namely:-
- (i) the subsoil and strata below the seabed through which such excavations, pits or drillings pass;
 - (ii) details of any mineral encountered; and
 - (iii) such other particulars as the Central Government or administering authority may require;
- (g) the lessee shall comply with all applicable laws and regulations pertaining to movement and deployment of vessels, installations, machineries, engines, platforms, drones and other installations or implements in the offshore areas;
- (h) the lessee shall ensure that any vessel, installation, machinery, engine, platform, drone and other installations or implements that have been deployed by it in the offshore areas have on board, and use equipment, such as satellite tracking equipment and voyage data recorder, that monitors and reports their activity;
- (i) the lessee shall allow any officer authorised by the administering authority or the Central Government to enter upon any vessel, platform, installation or any other infrastructure in the lease area for the purpose of inspecting the same;
- (j) the Central Government shall at all times have the right of pre-emption of the minerals won from the lease area in respect of which the production lease has been granted:

Provided that the average sale price as published by the Indian Bureau of Mines prevailing at the time of pre-emption shall be paid to the lessee for all such minerals;

- (k) the lessee shall store and maintain accounts properly within the lease area of the unutilised or non-saleable sub-grade ores or minerals for future beneficiation;
- (l) the lessee shall take all necessary steps and measures enabling the natural rehabilitation of the seabed affected by production operations, including any measures as may be specified by the Central Government;
- (m) the lessee shall comply with the provisions of the Act and the rules made thereunder including rules made under section 19A of the Act and directions issued under section 21 of the Act;
- (n) the lessee shall not carry on his operations in a manner that would injure any person or prejudicially affect any installation, vessel, work, property or right of other persons and no offshore area shall be used by the lessee for production operations for works or purposes not included in the production lease;
- (o) the lessee shall not interfere with any right of way in recognised sea lanes for the purposes of navigation or any other purpose authorised by the Central Government;
- (p) the lessee shall allow reasonable facilities of access to any licensees or lessees over any area which is comprised in or adjoins or is reached by the lease area held by the lessee:

Provided that no substantial hindrance or interference shall be caused by the licensees or lessees to the operations of the lessee and fair compensation, as may be mutually agreed upon or in the event of disagreement, as may be decided by the

administering authority, shall be paid by them to the lessee for any loss or damage sustained by the lessee;

- (q) the lessee shall use its best efforts to avoid obstructions to or interference with any petroleum operations or any operation pertaining to offshore wind power projects or such other operations being carried out or proposed to be carried out by an operator, duly authorised by the Government authority, within the lease area;
- (r) the Central Government, or any lessee or person authorised by it in that behalf by the administering authority or the Central Government, shall have the right to enter into or upon the lease area and lay upon or maintain, repair or replace, over or through the same, any pipelines, cables, offshore wind turbine generators, offshore power sub-stations or any other purpose authorised by the Central Government or the administering authority, as the case may be:

Provided that no substantial hindrance or interference shall be caused to, or with, the liberties, powers and privileges of the lessee, and fair compensation, as may be mutually agreed upon, or in the event of disagreement, as may be decided by the administering authority, shall be made –

- (i) to the lessee for all loss or damage or substantial hindrance or interference caused to the lessee by such other lessee or person authorised by the administering authority or the Central Government, as the case may be;
- (ii) by the lessee for all loss or damage or substantial hindrance or interference caused to such other lessee or person authorised by the administering authority or the Central Government, as the case may be;
- (s) the lessee shall at his own expense, erect, maintain, display and keep in repair all notices or floaters or signage or buoys, marking the boundary of the lease area to the satisfaction of the administering authority and other concerned Government authorities, including the Indian Coast Guard and the Indian Navy;
- (t) the lessee shall maintain daily logs of data collected during the course of production operations on the vessel or installation whereby such operations are being carried out in the lease area and shall allow any officer authorised by the Central Government or the administering authority in this behalf to inspect such data logs and the lessee shall also comply with any other requirements specified in the production lease;
- (u) the lessee shall make available all production data, reports, samples, including the data pertaining to number of persons engaged, geological and geophysical data relating to production fields, engineering surveys, investigation of atomic minerals, quantum of minerals won and extracted, and other relevant information collected by him pursuant to a production operation, and shall submit the following reports, namely:–
 - (i) annual report within a period of sixty days after the close of the year;
 - (ii) any other report as may be specified in the production lease,
 to the Geological Survey of India, administering authority, Indian Bureau of Mines and such other authority as may be specified;
- (v) the lessee shall not share any data collected during the course of production operations with any third party for storage, processing or interpretation without the prior approval of the administering authority;
- (w) the lessee shall pay compensation in accordance with the law for the time being in force for the damage, injury or disturbance which may be caused by him and shall indemnify and keep indemnified, the administering authority and the Central Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith;
- (x) in case foreign domiciled entities or foreign entities or contractors, personnels, vessels or equipments are engaged or deployed, for undertaking production operations, prior approval shall be obtained from the Government authorities, including any specific approval mandated by the Central Government, and any data collected and work carried out shall be under the supervision and control of Indian representatives of the lessee, who shall ensure appropriate security safeguards;

- (y) the lessee shall ensure the safety of vessels, installations or any other implements in the lease area, to the satisfaction of the administering authority or any other Government authority, as the case may be;
- (z) the lessee shall ensure that data generated during the production operations, including any geological data, is processed, by foreign entities or contractors, in India and such processed and unprocessed data may be imparted to any foreign entity only with prior approval of the administering authority;
- (za) the lessee shall give at least two months' notice prior to commencement of the operations to the administering authority, the Indian Bureau of Mines and the Naval Headquarters (Directorate of Naval Intelligence), Ministry of Defence, to ensure that such operations do not interfere with any naval exercise in the area;
- (zb) prior to their deployment, the lessee shall ensure that all vessels to be deployed and installations to be erected in the lease area by the lessee or by the contracted companies, shall undergo and clear naval security inspection of the Indian Navy under the aegis of the Flag Officer Commanding-in-Chief of the concerned Naval Command and Flag Officer, Offshore Defence Advisory Group and clear one month's notice shall be given by the lessee to the aforesaid officers to facilitate such inspection and clearance;
- (zc) all vessels to be deployed for production operations by the lessee shall obtain prior clearance from the Directorate General of Shipping in terms of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder;
- (zd) the lessee shall ensure that intimation regarding award of contracts to contracted companies or persons along with relevant details of the contracts, including the name of the contracted entity, duration of the contract, subject matter of the contract, nature of equipment employed and data to be collected, if any, shall be forwarded to the Naval Headquarters (Directorate of Naval Intelligence), Ministry of Defence, along with a copy to the administering authority, before commencement of the operations by the lessee, providing six monthly long case on vessels deployment by operating companies;
- (ze) visa, and such other permissions as may be required under the law for the time being in force, shall have to be obtained from the Government authority for all foreign personnel on board the vessel;
- (zf) the lessee shall take all precautionary measures for safety and security of all vessels and equipments deployed for production operations and the personnel onboard;
- (zg) the lessee shall, for issuing the marine safety warnings, immediately inform the Flag Officer, Offshore Defence Advisory Group and the administering authority, the location indicating co-ordinates of all vessels, existing and under construction offshore installations or platforms, equipments and machineries deployed within the lease area, and thereafter its new location as and when it is shifted;
- (zh) the lessee shall forward to the Directorate General of Shipping, Director General, Indian Coast Guard, administering authority and any other Government authority, without delay, a report of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of its production operations;
- (zi) the lessee shall maintain a copy of the production plan at the vessel or installation by way of which production operations are being carried out in the lease area, or at an earmarked site;
- (zj) the lessee shall not employ, in connection with the production operations, any person who is not an Indian national except with the prior approval of the administering authority;
- (zk) the lessee shall allow any officer authorised by the Central Government or the administering authority as the case may be, to enter upon any portion of lease area to inspect the lease area at all reasonable times and shall also supply, on demand all applicable plans and sections of the lease area as also the quantity of reserves grade-wise;
- (zl) the lessee shall, unless specifically exempted by the administering authority, provide, and at all times keep, within the lease area or at point of discharge from the lease area and at the port of unloading or discharge in India, at which the minerals shall be brought, a properly constructed and efficient weighing or measurement system, which may be specified;

- (zm) the lessee shall weigh or measure, or cause to be weighed or measured, all the produced and dispatched minerals in accordance with the manner as may be specified:

Provided that the lessee shall at the close of each day ensure that the total data on production and dispatch of minerals, including all weights and measurements be entered in the books of accounts maintained by the lessee:

Provided further that the lessee shall at all times during the term of the production lease, permit the administering authority and the Central Government to employ any person or persons to be present at the weighing or the measurement of the said minerals as aforesaid, and to keep accounts thereof, and to check the accounts kept by the lessee and the lessee shall give seven days prior notice in writing to the administering authority and authorised officer of the Indian Bureau of Mines for every such weighing, or measuring, in order that he or some officer on his behalf may be present thereat;

- (zn) the lessee shall at any time during the term of the production lease, allow any person or persons appointed in that behalf by the administering authority or the Central Government to examine and test every weighing machine or measurement system to be provided and kept as aforesaid and the weights or systems used therewith in order to ascertain whether the same respectively are correct and in good repair and order:

Provided that if upon any such examination or testing, any such weighing machine or weights or measurement system is found incorrect, or out of order, the administering authority may require that the same be adjusted and put in order, by and at the expense of the lessee and if such requisition is not complied with within a period of fourteen days after the same has been made, the administering authority or any person authorised by the Central Government in this behalf may not grant transit permit till such weighing machine or weights or measurement system is calibrated and put in order;

- (zo) if upon any such examination or testing as aforesaid, any error is discovered in any weighing machine or weights to the prejudice of the administering authority or the Central Government, such error shall be regarded as having existed for a period of three months prior to the discovery thereof or from the last occasion of examining and testing the same weighing machine, weights and measurement system, in case such occasion is within the said period of three months, and the lessee shall, in addition to any other penalty or civil liability which may be imposed under the Act or rules made thereunder, pay the rent, royalty, auction premium or any such other payment as applicable, accounted for accordingly;

- (zp) if the lessee fails to carry out or perform any of its obligations under this sub-rule or under the production lease deed within the time specified in that behalf, the administering authority may, at its discretion, cause the same to be carried out or performed and the lessee shall pay the administering authority, on demand, all expenses incurred in this regard by the administering authority and the decision of the administering authority as to such expenses shall be final;

- (zq) failure on the part of the lessee to fulfil any of the terms and conditions of the Act and the rules made thereunder or under the production lease shall not give the Central Government or administering authority any claim against the lessee or be deemed a breach of the production lease, in so far as such failure is considered by the Central Government to arise from a force majeure and in the event of any delay by the lessee to fulfill any of the terms and conditions of the Act and the rules made thereunder or under the production lease on account of a force majeure, the period of such delay shall be added to the period fixed by these rules or the production lease.

Explanation. – For the purposes of this clause the expression “force majeure” means act of god, war, insurrection, riot, civil commotion, strike, earthquake, storm, tidal wave, flood, lightning, explosion, fire, or any other happening which the lessee could not reasonably prevent or control;

- (zr) the lessee may, after paying the rents, rates and royalties payable under the Act and the rules made thereunder or under the production lease deed, at the expiry or termination of the production lease term or within a period of six months thereafter (unless the production lease is terminated for default of the lessee, and in that case at any time not less than three months nor more than six months after such termination) dismantle and remove for its own benefit, all or any ore mineral excavated during the term of the production lease, vessels,

- installations, engines, machineries, pipelines, structures, equipments, platforms, and infrastructure, erections and conveniences which may have been erected, set up or placed by the lessee in or upon the lease area and which the lessee is not bound to deliver to the Central Government or which the Central Government does not desire to purchase;
- (zs) if at the end of a period of six months after the expiry or termination of the production lease term there shall remain in or upon the lease area, any ore or mineral, engine, machinery, pipeline, structure, equipment, platform, and other work, erections and conveniences or other property which are not required by the lessee, the same shall, if not removed by the lessee within a period of one month of being notified to do so by the administering authority, be deemed to become the property of the Central Government and may be sold or disposed of, at the cost of the lessee, in such manner as the administering authority or the Central Government as may deem fit without liability to pay any compensation or to account to the lessee in respect thereof; and
- (zt) the lessee shall ensure that all personnels, vessels, installations, equipments and infrastructure deployed for the purposes of production operations in the lease area shall, at all times during the term of the production lease, be insured by the lessee in accordance with such regulatory requirements, as applicable under any law for the time being in force, and such other terms and conditions as may be specified by the Central Government or the administering authority.
- (3) The lessee shall report to the administering authority, the discovery in the lease area of any mineral not specified in the production lease as soon as reasonably practicable, and in no event later than a period of sixty days from the date of such discovery, and shall not win and dispose of such discovered mineral without inclusion of such discovered mineral in the production lease deed.
- (4) In addition to the conditions specified in sub-rule (2), a production lease may contain following conditions as the administering authority or Central Government as may deem fit to impose, namely:—
- (a) the time-limit, mode and place of payment of rents and royalties;
 - (b) measures, as specified by the Central Government, pertaining to prevention and control of pollution and conservation of marine ecosystem in protected areas including, marine national parks, marine sanctuaries or any other area, as may be notified by the Central Government;
 - (c) restrictions on production operations in any area prohibited by any competent authority;
 - (d) the notice by lessee for:—
 - (i) entering into the lease area prior to commencement of production operations; and
 - (ii) commencement of production operations;
 - (e) the provision of proper weighment of mineral dispatched;
 - (f) the reporting of accidents;
 - (g) the indemnity to Central Government and administering authority against claims of third parties;
 - (h) the delivery of possession of lease area on the surrender, expiration or termination of the production lease;
 - (i) the forfeiture of property left after termination of the production lease;
 - (j) the power to take possession of the lease area, vessels, installations and other infrastructure in the event of war or emergency; and
 - (k) any other conditions specified in the tender document for auction for grant of production lease.
- (5) The administering authority may, either with the prior approval of the Central Government or at the instance of the Central Government, impose such further conditions as may be necessary in the interest of conservation and development of minerals.
- (6) When a production lease is granted by the Central Government, arrangements shall be made by the administering authority, at the expense of the lessee, for the survey and demarcation of the lease area.

- (7) Subject to the conditions specified in this rule, the lessee for the purposes of production operations on lease area shall have the right to –
- (a) work the mines, win and carry away the mineral;
 - (b) sink pits;
 - (c) erect, install or deploy, as the case may be, any vessel, platform, equipment, installation and other infrastructure;
 - (d) use sea water if required for production operations or transportation;
 - (e) use any part of offshore lease area for storage purpose; and
 - (f) do any other thing specified in the production lease.
- (8) If the lessee does not allow entry, or inspection under clauses (e), (f), (i), (r), (t), (zk), (zm) or (zn) of sub-rule (2), the administering authority shall give notice in writing to the lessee requiring him to show cause within such time as may be specified in the notice as to why the production lease should not be terminated and the performance security submitted by the lessee be forfeited and if the lessee fails to show cause within the aforesaid time to the satisfaction of the administering authority, the administering authority may terminate the production lease and forfeit the whole or part of the performance security submitted by the lessee, and take such other action in accordance with the Act and the rules made thereunder.
- (9) If the lessee is convicted of illegal mining and there are no orders of any court of law suspending the operation of the order of such conviction, the Central Government may, without prejudice to any other proceedings that may be initiated under the Act or the rules made thereunder, terminate such production lease and forfeit the performance security submitted by the lessee, after giving such lessee an opportunity of being heard and for reasons to be recorded in writing and shall communicate to the lessee.
- (10) If the lessee makes any default in the payment of royalty as required under sub-section (1) of section 16 of the Act or payment of fixed rent as required under sub-section (1) of section 17 of the Act or contribution towards the International Seabed Authority as required under section 18 of the Act or contribution to the Offshore Areas Mineral Trust as required under sub-section (5) of section 16A of the Act or commits a breach of any of the conditions specified in sub-rules (2), (3) and (6), the administering authority shall give notice to the lessee requiring him to pay the royalty or fixed rent or contribution to the International Seabed Authority or to the Offshore Areas Mineral Trust to remedy the breach, as the case may be, within a period of sixty days from the date of the receipt of the notice and if the royalty or fixed rent or contribution to the International Seabed Authority or to the Offshore Areas Mineral Trust is not paid or the breach is not remedied within the said period, the Central Government may, without prejudice to any other proceedings that may be initiated against him, terminate the production lease and forfeit the whole or part of the performance security submitted by the lessee.

CHAPTER V

EXPIRY, LAPSE, SURRENDER OR TERMINATION

9. **Auction.**— On the expiry of the production lease period, the lease area may be put up for auction as per the procedure specified in section 13 of the Act and the Chapter II of the Offshore Areas Mineral (Auction) Rules, 2024, and the process of such auction may be commenced one year in advance of such expiry.
10. **Lapsing of composite licence.**— (1) Where the licensee fails to commence exploration operation within a period of one year after the grant of composite licence, or upon commencement, discontinues the operation for a period of two years, the administering authority shall, subject to the provisions of sub-rule (1) of rule 12, by an order, declare the composite licence, as lapsed from the date of execution of the composite licence or, as the case may be, discontinuance of the operation, and communicate the declaration to the licensee.
 - (2) The administering authority may forfeit the performance security submitted by the licensee, in full or in part, upon the lapse of a composite licence.
 - (3) The licensee shall pay for any expenditure incurred by the administering authority, over and above the performance security, towards carrying out any protective measures or taking any necessary steps, or measures, as may be specified by the Central Government, to enable the natural rehabilitation of the seabed affected by the exploration operations.
 - (4) The administering authority shall intimate the Indian Bureau of Mines in writing about such lapse of a composite licence.
11. **Lapsing of production lease.**— (1) Where the lessee fails to commence production operations within a period of two years after the grant of production lease, or upon commencement, discontinues the production operations for a period of two years, the administering authority shall, subject to sub-rule (1) of rule 12, by an order, declare the production lease as lapsed from the date of execution of the production lease or, as the case may be, discontinuance of the operation, and communicate the declaration to the lessee.
 - (2) Where production and dispatch has not commenced within a period of four years after the execution of the production lease, or is discontinued for a period of two years after commencement of production and dispatch, the administering authority shall, subject to sub-rule (1) of rule 12, by an order, declare the production lease as lapsed on the expiry of the period of four years from the date of its execution or, as the case may be, two years from the date of discontinuance of the production and dispatch, and communicate the declaration to the lessee.
 - (3) The administering authority may forfeit the performance security submitted by the lessee, in full or in part, upon the lapse of a production lease.
 - (4) The lessee shall pay any expenditure incurred by the administering authority, over and above the performance security, towards carrying out any protective measures or taking any necessary steps, or such other measures, as may be specified by the Central Government, to enable the natural rehabilitation of the seabed affected by the production operations.
 - (5) The administering authority shall intimate the Indian Bureau of Mines in writing about such lapse of a production lease.
12. **Application for extension of periods.**— (1) Where –
 - (a) a licensee is unable to commence exploration operation or upon commencement, discontinues the operation within the period specified under sub-rule (1) of rule 10;
 - (b) a lessee is –
 - (i) unable to commence production operations or upon commencement, discontinues the operation within the period specified under sub-rule (1) of rule 11; or
 - (ii) unable to commence the production and dispatch, or upon commencement, such production and dispatch is discontinued for the period specified under sub-rule (2) of rule 11,

in each case, for reasons beyond its control, it may submit an application to the administering authority at least three months before the expiry of such period, seeking an extension of such period duly explaining the reasons for the same:

Provided that where the licensee or the lessee has failed to make the application within such time due to the reasons beyond its control but has made application before the lapse of the

composite licence, or the production lease, as the case may be, the administering authority may condone the delay in making such application.

- (2) Every application made under sub-rule (1) shall specify –
 - (a) the reasons on account of which it was not possible for the licensee or lessee, as the case may be, to undertake exploration operations or production operations or production and dispatch, as the case may be, or continue exploration operations or production operations or production and dispatch, as the case may be;
 - (b) the manner in which such reasons were beyond the control of the licensee or lessee; and
 - (c) the steps that have been taken by the licensee or lessee to mitigate the impact of such reasons.
- (3) Every application under sub-rule (1) shall be accompanied by a fee of rupees one lakh.
- (4) The administering authority shall after examining the adequacy and genuineness of the reasons for the non-commencement of exploration operations or production operations, or production and dispatch, or discontinuance thereof, as the case may be, pass an order, within a period of three months from the date of receipt of the application made under sub-rule (1) or before the date on which the composite licence or production lease, as the case may be, would have otherwise lapsed, whichever is earlier, either granting or rejecting such application:

Provided that any such extension shall not be granted for a period exceeding one year and such extension shall not be granted for more than once during the entire period of the composite licence or the production lease, as the case may be.

13. Surrender of production lease.— (1) The lessee may make an application to the administering authority for surrendering of the entire or a part of the lease area after giving a notice in writing of not less than a period of six months from the intended date of surrender.

- (2) The administering authority may allow surrender of a production lease under sub-rule (1) subject to the following conditions, namely:-
 - (a) every application for surrender of lease area, or part thereof, shall be accompanied by an approved final mine closure plan;
 - (b) the lessee has submitted documents to evidence implementation of the approved final mine closure plan;
 - (c) surrender of a part of the lease area shall comprise only contiguous standard blocks along the boundaries of the existing lease area and such area shall have been properly surveyed;
 - (d) all dues with respect to the production lease have been settled;
 - (e) the lessee shall deposit an amount equal to the estimated expenditure (in excess of the existing performance security), if any, to be incurred by the Central Government or the administering authority, as determined by the administering authority, towards protective measures or take any necessary steps or such other measures, as may be specified by the Central Government, to enable the natural rehabilitation of the seabed affected by production operations in the lease area;
 - (f) the provisions regarding systematic development of mineral deposit provided in the production plan including the measures for protection of environment have been complied with.
- (3) In case of surrender of the entire lease area before the exhaustion of the mineral resources, the performance security submitted by the lessee shall stand forfeited:

Provided that the performance security submitted by the lessee shall not be forfeited in case –

- (i) the lessee faces hindrances in production operations due to operations of other lessees of petroleum or offshore wind power projects or operations of Government security agencies or other government agencies; or
- (ii) ten years have elapsed after execution of production lease and the lessee finds the production operations are uneconomic.

- (4) The administering authority may refuse to accept such surrender of the entire or a part lease area for the reasons to be communicated in writing to the lessee.
- (5) The lessee shall pay any expenditure over and above the performance security to be incurred by the administering authority as determined by the administering authority, towards carrying out any protective measures or taking any necessary steps, or measures, including as specified by the Central Government, to enable the natural rehabilitation of the seabed affected by the production operations in the lease area which has been surrendered.

14. Termination.— (1) The Central Government, after consulting with the administering authority, may terminate a production lease or composite licence under the provisions of sub-section (1) of section 7 of the Act, if it is of the opinion that such termination is expedient in public interest, strategic interest of the country, in the interest of development and regulation of offshore mineral resources, preservation of natural environment and prevention of pollution, avoidance of danger to public health or communication, ensuring safety of any offshore structure or conservation of mineral resources or for any other reason.

- (2) Without prejudice to sub-rule (1) and subject to clause (za) of sub-rule (2) of rule 7 or clause (zq) of sub-rule (2) of rule 8, as the case may be, the Central Government may terminate a composite licence or production lease, if such licensee or lessee, as the case may be, at any time during the term of the composite licence or production lease-
 - (a) fails to fulfil, or contravenes, any of the terms, covenants and conditions contained therein or in the Act or the rules made thereunder; or
 - (b) fails to use the offshore area covered by it for bonafide purpose for which it has been granted; or
 - (c) uses such offshore area for a purpose other than for which it has been granted; or
 - (d) fails to comply with Indian laws and regulations, international conventions or treaties to which India is a party including those applicable for environmental protection, pollution control, hazardous wastes; or
 - (e) fails to abide by the directives of the administering authority, the Central Government or Government security agencies.
- (3) No order for premature termination of operating right under this rule shall be made except after giving the lessee or the licensee, as the case may be, a reasonable opportunity of being heard, except in cases where premature termination is being done on the grounds of strategic interest of the country.
- (4) Notwithstanding anything contained in this rule, if any failure, contravention or use referred to in sub-rule (2), is of a remediable nature, the Central Government may give notice to such person requiring him to remedy the same within a period of sixty days from the date of receipt of the notice and informing him that his composite licence or production lease, may be terminated without any further notice, in case such failure, contravention or use is not remedied within such period specified above.
- (5) In the event of termination of a production lease or composite licence, the administering authority may forfeit the performance security submitted by the lessee or the licensee.
- (6) The lessee or the licensee shall deposit an amount equal to the estimated expenditure (in excess of the forfeited performance security), if any, to be incurred by the Central Government or the administering authority, as determined by the administering authority, towards carrying out any protective measures or taking any necessary steps, or such other measures, as may be specified by the Central Government, to enable the natural rehabilitation of the seabed affected by the exploration operations or production operations, as the case may be.

CHAPTER VI

TRANSFERS

15. Transfer of production lease or composite licence.— (1) The holder of a production lease or composite licence (hereinafter referred to as the transferor) may transfer his production lease or composite licence, as the case may be, to any person eligible to hold a production lease or composite licence in accordance with the provisions of section 13B of the Act and the rules made thereunder (hereinafter referred to as the transferee) with the prior approval of the administering authority.

- (2) The transferor and the transferee shall, prior to the transfer, jointly submit an application to the administering authority in Form IV which shall contain details of the consideration payable by the

transferee for the transfer, including the consideration in respect of the exploration operations or production operations or both, as the case may be, already undertaken and the reports and data generated during the operations.

- (3) The administering authority shall, subject to approval of the Central Government, convey its decision to approve or reject such transfer for the reasons to be recorded in writing:

Provided that no such transfer of a production lease or of a composite licence shall be made in contravention of any condition subject to which the production lease or the composite licence was granted.

- (4) All transfers effected under this rule shall be subject to the condition that all dues with respect to the composite licence or the production lease, as the case may be, shall be settled prior to such transfer, and that the transferee has accepted all the conditions and liabilities under any law for the time being in force which the transferor was subject to in respect of such a production lease or composite licence, as the case may be.
- (5) On and from the date of transfer, the transferee shall be liable towards the administering authority and the Central Government with respect to any and all liabilities with respect to the composite licence or the production lease, as the case may be.
- (6) The transferor and the transferee shall jointly submit a registered deed, in Form V within a period of thirty days from the date of receipt of a letter of approval from the administering authority as specified in sub-rule (3).
- (7) If a registered transfer deed is not submitted to the administering authority in accordance with sub-rule (6), then the transfer application made under sub-rule (2) shall become ineligible.
- (8) The date of commencement of the transfer deed shall be the date on which an executed transfer deed is registered.
- (9) Every holder of a composite licence or a production lease who transfers such composite licence or production lease, in accordance with the provisions of the Act or the rules made thereunder, to any other person, shall, within a period of thirty days of the date of such transfer, send an intimation thereof in Form VI to the Controller General, Indian Bureau of Mines and the administering authority.
- (10) The administering authority shall intimate the Indian Bureau of Mines, Naval Headquarters (Directorate of Naval Intelligence), Ministry of Defence and such other authority or department as specified by the Central Government, in writing about any transfer of a composite licence or a production lease, as the case may be.
- (11) The Central Government on the recommendation of the administering authority may, by an order in writing terminate any production lease or composite licence, as the case may be, and forfeit the performance security, at any time if the lessee or licensee has, in the opinion of the Central Government, committed a breach of any of the provisions of this rule or has transferred such production lease or composite licence or any right, title, or interest therein otherwise than in accordance with this rule:

Provided that no such order shall be made without giving the lessee or licensee a reasonable opportunity of being heard.

- 16. Mutation of production lease or composite licence.**— (1) In case of death of a lessee or licensee during the term of the production lease or composite licence, the legal heirs may apply to the administering authority for mutation of their name in the production lease or composite licence in place of the deceased lessee or licensee, as the case may be.

- (2) The administering authority within a period of ninety days from the date of receiving such application for mutation shall enter the names of such legal heirs in the records in place of the deceased lessee or licensee or reject such mutations for the reasons to be recorded in writing:

Provided that no such mutation of name in a production lease or a composite licence shall be made in contravention of any condition subject to which such production lease or composite licence was granted.

- (3) The administering authority shall intimate the Indian Bureau of Mines, Naval Headquarters (Directorate of Naval Intelligence), Ministry of Defence and such other authority or department as specified by the Central Government, in writing about any mutation under this rule.

17. Encumbrance and enforcement of security interest.— (1) A person holding a composite licence or a production lease may create any encumbrance over such composite licence or production lease.

- (2) In the event of enforcement of security interest with respect to such encumbrance, the operating right shall be assigned only to such transferee who meets all the eligibility conditions which were required to be met by the transferor for grant of such composite licence or production lease and in the manner as specified in rule 15:

Provided that in such cases the creditors enforcing the security interest may submit the transfer application on behalf of the transferee.

CHAPTER VII MINERALS VALUATION

18. Sale value.— Sale value is the gross amount payable by the purchaser as indicated in the sale invoice where the sale transaction is on an arm's length basis and the price is the sole consideration for the sale, excluding taxes and contribution to International Seabed Authority, if any.

Explanation.— For the purposes of computing sale value, no deduction from the gross amount shall be made in respect of fixed rent, royalty, payments to the Offshore Areas Mineral Trust.

19. Payment of royalty.— (1) Royalty shall be charged on the run-of-mine irrespective of its processing within or outside the lease area:

Provided that the royalty shall be payable at the time of dispatch from the lease area.

- (2) Where the First Schedule to the Act specifies that the royalty in respect of any mineral is to be paid on an *ad valorem* basis, the royalty shall be calculated at the specified percentage of the average sale price of such mineral grade or concentrate, for the month of removal or consumption, as published by the Indian Bureau of Mines *minus* the amount payable towards royalty and the Offshore Areas Mineral Trust, as calculated on the average sale price published by the Indian Bureau of Mines.
- (3) Where the First Schedule to the Act specifies that the royalty in respect of any mineral, including polymetallic nodules and crusts, is to be paid based on the London Metal Exchange or the London Bullion Market Association price or any other index, publication or exchange, the royalty shall be calculated at the specified percentage of the average sale price of the metal for the month as published by the Indian Bureau of Mines, for the metal contained in the ore removed or the total by-product metal actually produced, as the case may be, of such mineral for the month:

Provided that deduction of amount payable towards royalty and Offshore Areas Mineral Trust as stipulated under sub-rule (2) shall not be applicable for minerals covered under this sub-rule.

- (4) Where the First Schedule to the Act specifies that the royalty of any mineral is to be paid on tonnage basis, the royalty shall be calculated as product of mineral removed or consumed from the lease area and the specified rate of royalty.

20. Provisional assessment and adjustment.— (1) At the time of removal or consumption of mineral from the lease area, the lessee shall calculate the amount of royalty and payments to the Offshore Areas Mineral Trust based on the latest available average sale price of the said mineral grade and pay the same to the Central Government as provisional payment for the same.

- (2) After the publication of the average sale price of the minerals for the month by the Indian Bureau of Mines, due adjustment of the actual amounts payable against the provisional payment may be made.

21. Royalty chargeable on dry basis.— The royalty shall be chargeable on the weight of the mineral removed, measured on dry basis.

22. Computation of average sale price.— (1) The ex-mine price shall be used to compute average sale price of mineral grade or concentrate.

- (2) **The ex-mine price of mineral grade or concentrate shall be —**

- (a) where export has occurred, the free-on-board price of the mineral less the actual expenditure incurred beyond the lease area towards transportation charges by sea, road, loading and unloading charges, railway freight (if applicable), port handling charges, export duty, charges for sampling and analysis, rent for the plot at the stocking yard, handling charges in port,

charges for stevedoring and trimming, any other incidental charges incurred outside the lease area as notified by the Indian Bureau of Mines, divided by the total quantity exported;

- (b) where domestic sale has occurred, sale value of the mineral less the actual expenditure incurred towards transportation, loading, unloading, rent for the plot at the stocking yard, charges for sampling and analysis and any other charges beyond the lease area as notified by the Indian Bureau of Mines, divided by the total quantity sold;
- (c) where sale has occurred, between related parties or where the sale is not on arms' length basis, or where the mineral has been used for its own consumption by the lessee, then such sale shall not be recognised as a sale for the purpose of this rule:

Provided that where no declaration for sale between related parties or for sale not on arms' length basis or for own consumption has been made by the lessee or subsequently and before publication of average sale price for that month, such declaration is discovered to be factually incorrect or misrepresented, such quantity of mineral shall be considered as sold and the latest available average sale price published monthly by the Indian Bureau of Mines for that mineral grade or concentrate shall be considered as the ex-mine price for this quantity;

- (d) where sale has not occurred, the latest available average sale price published monthly by the Indian Bureau of Mines for that mineral grade or concentrate.
- (3) The average sale price of any mineral grade or concentrate in respect of a month shall be the weighted average of the ex-mine prices computed in accordance with sub-rules (1) and (2), the weight being the quantity dispatched from the lease area of mineral grade or concentrate relevant to each ex-mine price.

23. Publication of average sale price.— The Indian Bureau of Mines shall publish the average sale price of each mineral grade or concentrate removed from the lease area in a month within a period of thirty days from the due date for filing the monthly returns.

24. Average sale price of metal.— The Indian Bureau of Mines shall publish every month, the average sale price of the metals, elements or their compounds in Indian Rupees, whose prices are available in the London Metal Exchange or the London Bullion Market Association or any other publication, exchange or index, as may be specified by the Central Government, in the following manner, namely:—

- (a) in case daily price is available, such price available during all the days of the month shall be multiplied by the reference rate, for the day, of the Reserve Bank of India or any other agency authorised by such bank, for the currency in which the price is obtained;
- (b) in case price is not available on daily basis, but available on weekly basis, such weekly prices published in a month shall be multiplied by, the reference rate of the Reserve Bank of India or any agency authorised by such bank, for the currency in which the price is obtained, for the day of publication of such weekly price;
- (c) in case price is not available on daily or weekly basis, but available on monthly basis, such monthly price shall be multiplied by the monthly average of the reference rate of the Reserve Bank of India or any agency authorised by such bank, for the currency in which the price is obtained;
- (d) where the Reserve Bank of India reference rate is not available for any day on which the price of publication, exchange or index is available, the Reserve Bank of India reference rate for the immediately preceding day shall be used;
- (e) the Central Government may specify any conversion factor to be applied for certain ore or compound of a metal or element for arriving at monthly average sale price of a metal or element on case to case basis, which shall be used by the Indian Bureau of Mines to publish the average sale price.

25. Average sale price of polymetallic nodules and crusts.— The average sale price of polymetallic nodules and crusts shall be the sum of percentage of individual element contained in the polymetallic nodules and crusts multiplied by average sale price of that element or metal as published by the Indian Bureau of Mines based on the London Metal Exchange or the London Bullion Market Association price or any other index, publication or exchange as per the following formula: —

$$\text{Average sale price} = \sum (Q_i \times P_i)$$

Where:

Q_i = Percentage of i^{th} element or metal in the polymetallic nodules and crusts;

P_i = Average sale price of i^{th} element or metal in the polymetallic nodules and crusts:

Provided that, where average sale price of relevant element or metal is not published by the Indian Bureau of Mines under these rules, the average sale price of the highest grade of ore of such element or metal published under the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 shall be considered:

Provided further that, for a mine or a group of mines, the Indian Bureau of Mines shall specify the elements which contribute five per cent. or more weightage by value to the calculation of average sale price which shall be included for calculation of average sale price.

26. **Power to issue directions by Controller General.**— The Controller General, Indian Bureau of Mines may issue directions, as and when necessary, to give effect to the provisions of this Chapter.

CHAPTER VIII PAYMENTS

27. **Fees and deposit to be made.**— Any amount payable under the Act or the rules made thereunder, shall be paid in such manner as the Central Government may specify in this behalf.
28. **Payment of interest.**— The Controller General, Indian Bureau of Mines may, without prejudice to the provisions contained in the Act or the rules made thereunder, charge simple interest at the rate of twelve per cent. per annum on any rent, royalty or fee or other sum due to the Central Government under the Act or rules made thereunder or terms and conditions of composite licence or production lease from the expiry of the date fixed by the administering authority or the Central Government, as the case may be, for payment of such royalty, rent, fee or other sum and until payment of such royalty, rent, fee or other sum is made.
29. **Payments under section 16A and section 18 of the Act.**— In addition to the payments specified herein, the holder of a production lease shall be required to pay to the Offshore Areas Mineral Trust and International Seabed Authority in accordance with the provisions of section 16A and section 18 of the Act, and the rules made thereunder.
30. **Payments under rule 13 of the Offshore Areas Mineral (Auction) Rules, 2024.**— In addition to the payments specified in this Chapter, the holder of a production lease shall pay the auction premium to the Central Government, on a monthly basis, on the average sale price of the mineral grade or concentrate published by the Indian Bureau of Mines for the relevant month *minus* the amount payable towards royalty and Offshore Areas Mineral Trust, as calculated on the average sale price published by the Indian Bureau of Mines:

Provided that deduction of amount payable towards royalty and the Offshore Areas Mineral Trust shall not be applicable for minerals, including polymetallic nodules and crusts, for which average sale price is published on the basis of the London Metal Exchange or the London Bullion Market Association price or any other index, publication or exchange.

31. **Payment for overburden or waste not sold or consumed economically.**— Notwithstanding anything contained in rules 19, 29 and 30, no payment towards royalty, the Offshore Areas Mineral Trust or auction premium shall be payable in case of removal of overburden or waste from a mine if such overburden or waste is not sold or consumed economically.

CHAPTER IX PENALTY

32. **Penalty.**— Whoever contravenes the provisions of rules 7 and 8, sub-rule (5) of rule 13, sub-rule (6) of rule 14, rules 15, 17, 20, 29, 30, 39, 40, 41, 42 and 44 shall be punishable with imprisonment for a term which may extend to five years or with fine of fifty lakh rupees, which may extend to one crore rupees, or with both, and in the case of a continuing contravention, with additional fine which may extend to five lakh rupees for every day during which such contravention continues after conviction for the first such contravention.

CHAPTER X APPEAL

33. **Application for appeal.**— (1) Any person aggrieved by any order passed by the administering authority or any officer in exercise of the powers conferred on it by the Act or any rules made thereunder may prefer an appeal to the Central Government in triplicate in Form VII, within a period of three months from the date of receipt of the order:

Provided that any such appeal may be entertained after the period of three months if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the stipulated time.

- (2) The appeal shall be accompanied by a fee of ten thousand rupees payable either by way of a bank draft drawn on a Scheduled Bank in the name of "Pay and Accounts Officer, Ministry of Mines" payable at New Delhi or by any other mode of payment specified by the Central Government.
- (3) Every appeal made under sub-rule (1) shall be made only after impleading all the necessary parties and serving a copy of the memorandum of appeal on such parties by way of advance service and furnish proof thereof.
- (4) The appellant shall, along with the memorandum of appeal under sub-rule (1), submit as many copies thereof as may be specified by the Central Government.
- (5) On receipt of the memorandum of appeal, the Central Government shall send a notice to each of the parties impleaded under sub-rule (3) specifying a date on or before which he may make his representations, if any, against the appeal.
- (6) The Central Government shall be empowered to specify any applicable procedures or requirements for deciding appeals under this rule.

34. Orders on appeal.— (1) On receipt of a memorandum of appeal under rule 33, the Central Government shall forward the copies of such memorandum of appeal to the administering authority or other authority calling upon them to make such comments as they may like to make within a period of three months from the date of issue of the communication, and the administering authority or other authority, while furnishing comments to the Central Government shall simultaneously endorse a copy of the comments to the other parties.

- (2) The comments received from any party under sub-rule (1) shall be forwarded to the other parties for making such further comments as they may like to make within a period of one month from the date of issue of the communication and the parties making further comments shall send them to all the other parties.
- (3) The application for appeal, the communications containing comments and counter comments referred to in sub-rules (1) and (2) shall constitute the records of the case.
- (4) After considering the records referred to in sub-rule (3), and after giving the parties to the appeal a reasonable opportunity of being heard and after making such inquiry as it deems proper, the Central Government may confirm, modify or reverse the order appealed against or send back the case with such directions as it may deem fit for a fresh order after taking additional evidence, if necessary.
- (5) During the pendency of appeal, the Central Government may, for sufficient cause, stay the execution of the order against which an appeal has been preferred.

CHAPTER XI MISCELLANEOUS

35. Amalgamation of production leases.— (1) The Central Government may, in the interest of mineral development and with reasons to be recorded in writing, permit amalgamation of two or more adjoining production leases held by a lessee:

Provided that the period of amalgamated production leases shall be co-terminus with the production lease whose period shall expire first.

- (2) Without prejudice to the provisions of the Act or any rules made thereunder or the terms and conditions of a production lease, every holder of a production lease shall, within a period of thirty days of the date of amalgamation of production leases carried out under sub-rule (1), send an intimation thereof to the Indian Bureau of Mines and the administering authority.

36. Power to rectify apparent mistakes.— Any clerical or arithmetical mistake in any order passed by the Central Government or the administering authority or any other authority or officer under these rules and any error arising therein due to accidental slip or omission, may, within a period of two years from the date of the order, be corrected by such Government, authority or officer, as the case may be:

Provided that no rectification order prejudicial to any person shall be passed unless such person has been given a reasonable opportunity of being heard.

37. List of operating rights, copies of composite licences and production leases, annual returns and reports to be supplied to other authorities.— (1) Upon grant of any operating right, a list containing the details of the offshore areas for which such operating right has been granted by the Central Government shall be furnished by the administering authority to the Ministries and Departments as specified under sub-rule (2) of rule 5.

- (2) A copy of every production lease or composite licence granted under the Act and the rules made thereunder shall be furnished by the administering authority within a period of two months of such grant to the Controller General, Indian Bureau of Mines and the Director General, Directorate General of Mines Safety.
- (3) A consolidated annual return of all production leases and licences granted under the Act and the rules made thereunder shall be furnished by the administering authority to the Controller General, Indian Bureau of Mines in such form as may be specified by him, not later than the 30th day of June following the year to which the return relates, a copy of which shall also be furnished by the administering authority to the Director General, Directorate General of Mines Safety at the same time.
- (4) All relevant data, reports, samples and other relevant information pertaining to exploration operations and production operations as submitted by the licensee under clause (f) of sub-rule (2) of rule 7 and by the lessee under clause (u) of sub-rule (2) of rule 8, shall be submitted by the administering authority to the Chief Hydrographer to the Government of India within one month from the date of receipt.

38. Registers relating to operating rights.— A register of operating rights granted by the Central Government shall be maintained by the administering authority in the format specified in Form VIII.

39. Supply of certain information to new operating right holder.— Where any area has previously been held under an operating right, the person who was granted such operating right shall make available to the new operating right holder the original or certified copies of all plans, including abandoned workings, in that area.

40. Change of name, nationality, etc. to be intimated.— (1) The licensee or lessee shall intimate to the administering authority within a period of sixty days any change that may take place in its name, nationality, registered office and details of majority owners or other particulars furnished to the administering authority.

- (2) If licensee or lessee fails without sufficient cause to furnish the information referred to in sub-rule (1), the Central Government may impose a fine of five lakhs rupees which may extend to ten lakh rupees and in the case of continued contravention of the provisions of sub-rule (1) the Central Government may terminate the operating right and forfeit the performance security:

Provided that no such order shall be made without giving the licensee or the lessee, as the case may be, a reasonable opportunity of stating his case.

41. Change in majority ownership or control.— (1) Any change in majority ownership or change in control of the lessee or the licensee may only be effected with the prior approval of the administering authority.

- (2) The lessee or the licensee shall submit an application to the administering authority containing the existing shareholding pattern, the shareholding pattern that would result following a change in majority ownership or control and the following details of the incoming owner, namely:—

- (a) Permanent Account Number or Tax Deduction and Collection Account Number;
- (b) registered office or office address; and
- (c) copy of certificate of incorporation and constitutional documents, in case of body corporates.

- (3) The lessee or the licensee shall provide such additional information as may be sought by the administering authority.

- (4) The administering authority shall, subject to the approval of the Central Government, convey its decision on the application made under sub-rule (2) within a period of ninety days.

Explanation.— For the purposes of this rule, the expression “control” shall have the meaning assigned to it in clause (27) of section 2 of the Companies Act, 2013 (18 of 2013).

42. Furnishing of geophysical data, etc.— (1) An operating right holder shall furnish—

- (a) all geophysical data relating to exploration or production or engineering surveys such as anomaly maps, sections, plans, structures, contour maps, logging collected by him during the course of exploration operations or production operations, to the Director General, Geological Survey of India and any other authority as may be specified by the Central Government;
- (b) all information pertaining to incidental investigations of atomic minerals discovered and stored by him during the course of exploration operations or production operations to the

Director, Atomic Minerals Directorate for Exploration and Research, and as may be specified by the Central Government.

- (2) Data or information referred to in sub-rule (1) shall be furnished every year reckoned from the date of commencement of the period of the operating right.

- 43. Ownership and confidentiality of exploration data.**— (1) All data obtained as a result of exploration operations or production operations including, but not limited to, all geophysical data relating to exploration or production or engineering surveys such as anomaly maps, sections, plans, structures, contour maps, logging, reports, samples, including the data pertaining to quantum of such samples won and extracted, shall be the sole property of the Central Government:

Provided that such licensee or lessee or agency specified or notified under the proviso to sub-section (1) of section 5 of the Act may make use of such data, free of cost, for the purpose of such exploration operations or production operations, as the case may be.

- (2) While submitting reports under clause (f) of sub-rule (2) of rule 7, the licensee may specify that the whole or any part of the reports and data submitted by him shall be kept confidential, and the concerned authorities shall thereupon, keep such portions of the submitted reports and data as confidential as may be deemed fit:

Provided that the Central Government may use such confidential reports and data for its own purposes:

Provided further that if the licensee fails to apply for a production lease within the time period stipulated in sub-section (6) of section 12 of the Act, or if an application for production lease is submitted by the licensee is rejected by the Central Government or the administering authority, or upon termination or expiration of the composite licence, or abandonment of operations or surrender of excess area in accordance with the first proviso to sub-rule (7) of rule 18 of the Offshore Areas Mineral (Auction) Rules, 2024, all reports and data submitted by the said licensee shall become the sole property of the Central Government.

- (3) While submitting reports under clause (u) of sub-rule (2) of rule 8, the lessee may specify that the whole or any part of the reports and data submitted by him shall be kept confidential, and the concerned authorities shall thereupon, keep such portions of the submitted reports and data as confidential as it may deem fit:

Provided that the Central Government may use such confidential reports and data for its own purposes:

Provided further that upon termination or expiration or surrender or abandonment of the production lease, all reports and data submitted by the said lessee shall become the sole property of the Central Government.

- 44. Discovery of new minerals.**— (1) Notwithstanding anything contained in these rules, the exploration operations or production operations shall be subject to the following conditions, namely:—

- (a) if a lessee or licensee discovers any mineral (including any atomic mineral) in the lease area or licence area which is not specified in the production lease or composite licence, the discovery of such mineral shall be reported to the administering authority or, in the case of any atomic mineral to the Director, Atomic Minerals Directorate for Exploration and Research and Department of Atomic Energy, as soon as practically possible, but in no case later than a period of sixty days from the date of discovery of such mineral:

Provided that consequent upon such reporting, the lessee or licensee may subject to clause (b), apply for inclusion of such newly discovered mineral in the production lease or composite licence to the concerned authority specified at clause (a), and subject to the receipt of approval of the concerned authority, such mineral shall be included in the production lease or composite licence, as the case may be, except for the minerals to which these rules do not apply:

Provided further that the administering authority shall obtain prior approval of the Central Government before approving inclusion of such newly discovered mineral in the composite licence or production lease;

- (b) the lessee or licensee shall not win and dispose of any atomic mineral having grade equal to, or greater than the threshold value in respect of atomic minerals, so discovered, and the same shall be dealt in accordance with the first proviso to section 6 of the Act:

Provided, that in case the lessee or licensee is the Government, or a Government company or a corporation, the said lessee or licensee shall, upon discovery of an atomic mineral having grade equal to or greater than the threshold value in respect of atomic minerals, apply to the Department of Atomic Energy through the administering authority, for grant of a lease or licence to handle such minerals under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and the Act, including the rules made thereunder and the Department of Atomic Energy shall intimate the administering authority regarding any issue of a production lease or composite licence, as the case may be;

- (c) the quantities of atomic minerals recovered incidental to such exploration operations or production operations shall be collected and stored separately and a report to that effect shall be sent to the Department of Atomic Energy and the Director, Atomic Minerals Directorate for Exploration and Research every three months for such further action by the lessee or licensee as may be directed by the Atomic Minerals Directorate for Exploration and Research or the Department of Atomic Energy.
- (d) the licensee or lessee shall, if encountered during exploration operations or productions operations, as the case may be, in the licence area or the lease area, report indications of any form of mineral oil, namely, oil, gas, gas hydrate, oil sands or any other hydrocarbon compound, to the administering authority within a period of sixty days from the date of such encounter, who in turn shall pass on the information to the Ministry of Petroleum and Natural Gas.

45. Incidental mineral extraction.— (1) Notwithstanding anything contained in these rules or any other rules made under the Act, any person whose operations or activities may result in incidental mineral extraction shall-

- (a) give an intimation to the administering authority thirty days prior to commencement of any such operations or activities;
- (b) obtain approval of the administering authority prior to the removal or consumption of any mineral from its authorised area:

Provided that no approval shall be required in case, removal of any mineral is done for the purpose of maintenance of ports or installation of any infrastructure or any such activity and the mineral thus removed is not being sold or consumed.

- (2) The intimation under clause (a) of sub-rule (1) shall include the following, namely:-
 - (a) name of the infrastructure project or other works to be undertaken and the date of commencement of such projects or works and duration thereof; and
 - (b) copy of work order or concession agreement issued by the appropriate authority.
- (3) The application for approval under clause (b) of sub-rule (1) shall include the following, namely:-
 - (a) details pertaining to the nature of infrastructure project or other works to be undertaken and the date of commencement of such projects or works and duration thereof;
 - (b) copy of work order or concession agreement issued by the appropriate authority;
 - (c) proposed quantity and minerals for which such application is being made;
 - (d) proposed plan for removal or consumption of any mineral from its authorised area; and
 - (e) report of a National Accreditation Board for Testing and Calibration Laboratories accredited laboratory on the composition of such mineral.
- (4) On receipt of application, the administering authority may grant its approval for removal or consumption of such mineral subject to such terms and conditions as it may specify:

Provided that the administering authority may seek such additional information or data as it may require including a no-objection from Department of Atomic Energy.

- (5) In case, it is found that the mineral extracted pursuant to incidental mineral extraction contains any atomic mineral, such person shall not be permitted to remove or consume such minerals, and the same shall be dealt with in the manner as directed by the Department of Atomic Energy.
- (6) Any mineral removed or consumed by such person pursuant to incidental mineral extraction shall be subject to payment of applicable royalty in the manner as specified by the administering authority or the Central Government:

Provided that no royalty shall be payable in case, removal of any mineral is done for the purpose of maintenance of ports or installation of any infrastructure or any such activity and the mineral thus removed is not being sold or consumed.

(7) The Central Government shall at all times have the right of pre-emption of the minerals extracted pursuant to incidental mineral extraction.

46. **Lease period for more than one mineral in an area.**— Where more than one mineral is found in an area granted through auction, the period of production lease for all minerals shall be co-terminus with that for which the production lease was originally granted.

47. **Completion of any requirement on a public holiday.**— When the day of completion of any requirement under these rules is falling due on a public holiday, the day of completion shall be deemed to be due on the next working day.

Explanation.—For the purposes of this rule, the expression ‘public holiday’ includes Saturday, Sunday and any other day declared to be a public holiday by the Central Government.

48. **Boundaries below sea level.**— The boundaries of a composite licence or a production lease shall be indicated by the longitudes and latitudes and shall run vertically downwards below the sea surface towards the centre of the earth.

49. **Place of dispute resolution.**— The courts at New Delhi shall have exclusive jurisdiction over any disputes arising under any composite licence or production lease granted under the Act.

Form I

[See rule 7(1)]

EXPLORATION LICENCE

This deed for grant of an exploration licence of composite licence (“**Licence**”) is made by and between the following:

PARTIES:

2 **The President of India**, acting through Ministry of Mines (the “**Central Government**”) represented by the administering authority.

AND

3 **[Name of the Licensee]** incorporated in India under the Companies Act, 2013 with Corporate Identity Number [CIN], whose registered office is at [address of registered office], India and principal place of business is at [address of principal place of business, if different from registered office] **OR** [an individual who is a citizen of India, having income tax permanent account number [number], residing at [address] **OR** [persons listed in Schedule A organised as a [firm/association of persons] in the name of [name of the firm or association of individuals], all of whom are Indian citizens and resident in India] (the “**Licensee**”).

BACKGROUND:

A. The Licensee had participated in an electronic auction for grant of a composite licence for [insert details of licence area], as more specifically described in Schedule B, pursuant to which the Licensee has become eligible for grant of a composite licence and the Licensee has completed the requirements under the Offshore Areas Mineral (Development and Regulation) Act, 2002 (“**Act**”) and the rules made thereunder for grant of a composite licence.

B. Accordingly, the Central Government is now executing this deed for grant of a Licence to the Licensee in consideration of the fee, royalties, covenants and agreements hereinafter reserved and contained on the part of the Licence to be paid, observed and performed.

1. DEFINITIONS

The expressions used in this Licence shall have the same meaning as ascribed to them under the Act and the rules made thereunder.

2. GRANT OF LICENCE

The Central Government hereby grants the Licence to the Licensee over an area described in Schedule B (“**Licence Area**”) for conducting exploration operations for a period of 3 (three) years, commencing from the date of the registration of the duly executed licence deed with respect to the following mineral(s) :— [name of the minerals] (“**Minerals**”).

3. RIGHTS AND OBLIGATIONS

3.1. The rights and obligations of the Central Government and the Licensee shall be as specified in the Act and the rules made thereunder, including, without limitation, the Offshore Areas Operating Right Rules, 2024.

3.2. Without prejudice to the generality of the foregoing,

(a) the Licensee shall-

- (i) at all times comply with the provisions of the Act, the rules made thereunder and any other applicable law;
- (ii) make prompt payment of royalty and any charges or other payment required to be made by the Licensee;
- (iii) pay compensation in accordance with the law for the time being in force for the damage, injury, or disturbance which may be done by the Licensee and to indemnify and keep indemnified the Central Government and administering authority against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith;
- (iv) take all necessary steps and measures for enabling the natural rehabilitation of the seabed affected by exploration operations, including any measures as may be specified by the Central Government;
- (v) without delay forward to the Directorate General of Shipping, Director General, Indian Coast Guard, Directorate General of Mine Safety, administering authority and any other Government authority, a report of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of the operations under this Licence;
- (vi) weigh or measure, or cause to be weighed or measured upon some part of the Licence Area, all minerals won from the Licence Area, with [seven days] prior notice in writing being given to the administering authority and authorised officer of the Indian Bureau of Mines for every such weighing or measuring in order that he or some person on his behalf may be present thereat;
- (vii) pay stamp duty and registration charges as may be applicable in respect of this Licence;
- (viii) enter in the Licence Area and carry out exploration operations for minerals specified in this deed in accordance with the provisions of the Act and the rules made thereunder;
- (ix) work and carry on the exploration operations in a proper, skilful and workman-like manner;
- (x) comply with the provisions of the Act and the rules made thereunder including rules made under section 19A of the Act and directions issued under section 21 of the Act;
- (xi) submit the following reports , namely:—
 - (a) a quarterly report of the work done by the Licensee stating the number of persons engaged and disclosing in full the geological, geophysical, or other data collected during the period. The report shall be submitted within a period of thirty days after the close of the quarter to which it relates;
 - (b) an annual report, containing the full details of the work done by the Licensee and disclose all information acquired by the Licensee in the course of the operations carried on under this Licence regarding the geology and mineral resources of the area covered by the Licence. The report shall be submitted within a period of sixty days after the close of the year to which it relates;

to the Geological Survey of India, administering authority, Indian Bureau of Mines and such other authority as may be specified;

Provided that, subject to provisions of the Act and the rules made thereunder, the Licensee may specify that the whole or any part of reports and data furnished pursuant to this sub-clause shall be kept confidential, and the concerned authorities shall thereupon, keep such portions of the submitted reports and data as confidential as may be deemed fit:

Provided further that the Central Government may freely use such confidential reports and data for its own purposes:

Provided also that if the Licensee fails to apply for a production lease within the time period stipulated in sub-section (6) of section 12 of the Act or if an application for production lease preferred by the Licensee is rejected by the Central Government or the administering authority, or upon termination or expiration of the Licence or abandonment of exploration operations or surrender of excess area in accordance with the first proviso to sub-rule (7) of rule 18 of the Offshore Areas Mineral (Auction) Rules, 2024, whichever is earlier, all reports and data submitted by the said Licensee shall become the sole property of the Central Government.

- (xii) submit to the Central Government, at any time before the performance security is returned to it or transferred to any other account, or within a period of three months after the termination or expiration of the Licence, or abandonment of the exploration operations, or surrender of excess area in accordance with the first proviso to sub-rule (7) of rule 18 of the Offshore Areas Mineral (Auction) Rules, 2024 whichever is earlier, a full report of the work done by the Licensee, and disclose all information acquired by the Licensee in the course of the exploration operations carried on under this Licence regarding the geology and mineral resources of the Licence Area:

Provided that, subject to provisions of the Act and the rules made thereunder, the Licensee may specify that the whole or any part of the full report and data submitted by him shall be kept confidential, and the Central Government shall thereupon keep such portions of the submitted reports and data as confidential as may be deemed fit:

Provided further that the Central Government may freely use such confidential reports and data for its own purposes:

Provided also that if the Licensee fails to apply for a production lease within the time period stipulated in sub-section (6) of section 12 of the Act or if an application for production lease preferred by the Licensee is rejected by the Central Government or the administering authority, or upon termination or expiration of the Licence or abandonment of exploration operations or surrender of excess area in accordance with the first proviso to sub-rule (7) of rule 18 of the Offshore Areas Mineral (Auction) Rules, 2024, whichever is earlier, all exploration data submitted by the said Licensee shall become the sole property of the Central Government;

- (xiii) ensure that the equipments or vessels deployed for the purpose are so placed, marked, buoyed and lighted as not to constitute danger to shipping;
 - (xiv) ensure that no interference is caused to any right of way in any recognised sea lanes for the purposes of navigation, or for any other purpose as may be authorised by the Central Government;
 - (xv) take appropriate steps and measures as specified by the Central Government to ensure systematic disposal of solid or liquid waste, including hazardous waste, arising out of exploration operations within the licence area;
 - (xvi) take measures, as specified by the Central Government pertaining to prevention and control of pollution and conservation of marine ecosystem in protected areas including marine national parks, marine sanctuaries or any other area, as may be specified by the Central Government.
 - (xvii) not carry on or allow to be carried on, any exploration operations at any point within a distance of five hundred metres from any telecommunication cables, offshore wind turbine generators, offshore power sub-stations, oil platform or pipelines, underwater archaeological sites, defence installations or any port area, except under and in accordance with the prior approval of the competent authority and any officer authorised by the administering authority or the Central Government in this behalf and the said distance of five hundred metres shall be measured from the outer edge of the relevant vessel, structure or installation, as applicable.
- (b) the Central Government shall-
- (i) have the right, at all times to enter into and upon and to grant or demise to any person or persons whomsoever, liberty to enter into and upon the Licence Area for all or any purposes other than those for which sole rights and Licence are hereby expressly

conferred upon the Licensee, including without limitation, to deploy on, over or through the Licence Area such vessels, equipments, platforms, pipelines, telecommunication cables and other such implements, as shall be considered necessary or expedient for any purposes, and to obtain from and out of the Licence Area such stone, earth or other materials as may be necessary or requisite for deploying, repairing or maintaining such vessels, equipments, platforms, pipelines, telecommunication cables and other such implements, to pass and repass at all times over such area for all purposes and as occasion shall require;

- (ii) have the right to appropriate any performance security provided by the Licensee in accordance with terms of such performance security and require the Licensee to replenish the performance security. In case the performance security has been provided through a security deposit, after termination of the Licence and fulfilment of all obligations of the Licensee, such security deposit shall be returned to the Licensee after appropriate deductions. It is clarified that the security deposit shall not carry any interest;
- (iii) have the right to carry out or perform any work or matters which in accordance with the covenants in that behalf are to be carried out or performed by the Licensee, but have not been so carried out or performed within the time specified in that behalf, and the Licensee shall pay the Central Government on demand all expenses which shall be incurred in carrying out or performance of the same;
- (iv) have power to authorise any other licensee/lessee or person in its behalf to enter into and upon the Licence Area and (i) to search for, dig, raise and carry away petroleum and natural gas; (ii) lay upon or maintain, repair or replace offshore wind turbine generators, offshore power substations; (iii) for these purposes or any other purpose authorised by the Central Government or the administering authority, as the case may be, to sink, drive, erect, construct, maintain, and use such plant, installations, pipeline, cables, waterways, engines, machineries and conveniences as may be deemed necessary:

Provided that in the exercise of such power no substantial hindrance or interference shall be caused to the rights of the Licensee under these presents and that fair compensation, as may be mutually agreed upon or in the event of disagreement as may be decided by the administering authority, shall be paid—

(i) by such licensee/lessee or such other person to the Licensee for any loss or damage sustained by the Licensee by reason of the exercise of this power by the Central Government, as the case may be;

(ii) to such licensee/lessee or such other person by the Licensee for any loss or damage sustained by such licensee/lessee or such other person by reason of the exercise of this power by the Central Government, as the case may be; and

- (v) have the power to grant and demise to any other licensee or lessee or operator duly authorised by the government authority the power to enter into and upon the said areas and to lay pipelines or install pumping station for the purposes of extracting petroleum or natural gas by such licensee or lessee or operator duly authorised by the government authority and the Licensee shall use its best efforts to avoid obstructions to or interference with any petroleum operations or any operations pertaining to offshore wind power projects or such other operations being carried out or proposed to be carried out by an operator, duly authorised by the Government authority within the Licence Area.

3.3. If the Central Government is desirous of exercising its right of pre-emption with respect to any mineral(s), the Central Government shall pay the average sale price of such minerals as published by the Indian Bureau of Mines prevailing at the time of pre-emption.

3.4. In the event of the existence of a state of war or emergency (of which existence the President of India shall be the sole judge and a notification to this effect in the Gazette of India shall be conclusive proof) the Central Government shall at all times during the said term have the right (to be exercised by a notice in writing to the Licensee) to forthwith take possession and control of the vessels, installations, platforms, pipelines, plants, machineries, equipments and premises of the Licensee on or in connection with the Licence Area or the operations under this Licence and during such possession or control, the Licensee shall conform to and obey all directions given by or on behalf of the Central Government regarding the use of employment of such vessels, installations, platforms, pipelines, plants, machineries, equipments, premises and minerals, provided that fair compensation, which shall be determined in

default of agreement by the Central Government shall be paid to the Licensee for all loss or damage sustained by him/them by reason or in consequence of the exercises of the powers conferred by this clause and provided also that the exercise of such power shall not terminate the said term hereby granted or affect the terms and provisions of this clause.

- 3.5. Every notice required to be given to the Licensee shall be given in writing to such person as may be nominated by the Licensee and such nomination shall be informed to the administering authority in writing. If no such nomination is made then the notice shall be sent to the Licensee by registered post/ speed post/ e-mail addressed to the Licensee at the address shown in the application for the Licence or at such other address in India as the Licensee may designate and every such service shall be deemed to be proper and valid service upon the Licensee and shall not be questioned or challenged by him.
- 3.6. If in any event the orders of the administering authority are revised, reviewed or cancelled by the Central Government in pursuance of proceedings under the Offshore Areas Operating Right Rules, 2024, the Licensee shall not be entitled to compensation for any loss sustained by the Licensee in exercise of the powers and privileges conferred upon the Licensee by these presents.

4. **FORCE MAJEURE**

- 4.1. In this clause the expression “*force majeure*” means act of god, war, insurrection, riot, civil commotion, strike, earthquake, storm, tidal wave, flood, lightning, explosion, fire, or any other happening which the Licensee could not reasonably prevent or control.
- 4.2. Failure on the part of the Licensee to fulfil any of the terms and conditions of this Licence shall not give the Central Government any claim against the Licensee or be deemed a breach of this Licence, in so far as such failure is considered by the Central Government to arise from a *force majeure*, and if the fulfilment by the Licensee of any of the terms and conditions of this Licence be delayed from *force majeure*, the period of such delay shall be added to the period fixed by this Licence.
- 4.3. The administering authority or the Central Government shall not be liable in any manner, whatsoever, to the Licensee in respect of any loss relating to, or arising out of, the occurrence or existence of any *force majeure*.

5. **GOVERNING LAW**

This Licence and all questions of its interpretation shall be construed in accordance with the laws of India. Subject to the provisions contained in section 28 of the Act, the courts at New Delhi shall have exclusive jurisdiction over disputes arising under this deed.

In witness whereof there presents have been executed at the [name of place] on [date].

SCHEDULE A *

LIST OF PERSONS

S. No	Name	PAN Number	Address

* To be deleted if the Licensee is not an association of individuals

SCHEDULE B**AREA OF EXPLORATION LICENCE**

(Description of offshore area, including latitudes and longitudes, to be provided.)

Form II

[See rule 8(1) (b)]

FORMAT OF APPLICATION BY HOLDER OF COMPOSITE LICENCE FOR GRANT OF PRODUCTION LEASE

To

[Address]

I/We request that a production lease under these rules be granted to me/us.

S.No. (1)	Item Detail (2)	Particulars (3)
1.	Name of applicant with address (In case of a firm or other association of individuals, provide names of each person constituting the firm or the association of individuals, as the case may be.)	
2.	Address of the applicant (In case of a firm or other association of individuals, provide addresses of each person constituting the firm or the association of individuals, as the case may be.)	
3.	Status of the applicant <ul style="list-style-type: none"> • Individual • Firm • Other association of individuals • Company 	
4.	Composite licence number	
5.	Date of registration of exploration licence deed of composite licence and the date of expiry	
6.	Application fee payable (to be calculated at the rate of rupees five lakh per standard block.)	
7.	Name of bank, demand draft or challan number with date, through which application fee has been paid.	
8.	Mineral (s) for which the production lease is being applied for	
9.	Extent of the area for which production lease is required [Nos of standard blocks included in the Licence Area and boundary co-ordinates of the proposed area to be under production lease]	Yes/No
10.	Geo co-ordinates of the area	
11.	NHO Chart number	
12.	Particulars of any licence or lease granted by any government authority, including in relation to petroleum and natural gas or wind power project, or any infrastructure projects such as port, cable, pipeline in existence in the area applied for	
13.	Whether the area applied for, forms part of a marine national park or marine sanctuary or other protected areas, as specified by the Central Government.	Yes/No
14.	If yes, enclose the map of marine national park or marine sanctuary or other protected areas, as specified by the Central Government with area under application marked. If such map is not available, the area should be marked on sketch plan drawn to scale showing all the features.	
15.	Subject to the provisions of section 13A of the Offshore Areas Mineral (Development and Regulation) Act, 2002, particulars of the area mineral-wise in the offshore areas for which the applicant individually or jointly- <ul style="list-style-type: none"> (a) already holds under a production lease; (b) has applied for a production lease but not granted; and 	

S.No. (1)	Item Detail (2)	Particulars (3)
	(c) being applied for a production lease simultaneously.	
16.	Has the applicant carried out the exploration operations over the area held under the composite licence and prepared the geological report in conformity with the Offshore Areas (Existence of Mineral Resources) Rules, 2024?	Yes/No
17.	Has the copy of geological report been attached with the application form?	Yes/No
18.	Has the applicant committed any breach of the terms and conditions of the composite licence?	Yes/No
19.	Has the applicant become ineligible under the provisions of the Act?	Yes/No
20.	Has the applicant made an application within the time period specified in clause (c) of first proviso to sub-section (6) of section 12 of the Act?	Yes/No
21.	Has the applicant been convicted for illegal mining by any court?	Yes/No

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including accurate plans and 1st instalment of Upfront Payment, as may be required by you.

Yours faithfully

Date:

Place:

Signature of the applicant

Instructions to applicants:

- (a) The applicant must submit a valid clearance certificate in the form specified by the administering authority, of payment of dues, such as royalty or fixed rent and other payment payable under the Act or the rules made thereunder, along with the application:

Provided that in case the applicant is a firm or association of individuals such certificate shall be furnished by all partners of the firm or, as the case may be, all members of the association of individuals:

Provided further that where a person has furnished an affidavit to the satisfaction of the administering authority stating that he does not hold and has not held an operating right other than the composite licence, it shall not be necessary for him to produce the said valid clearance certificate:

Provided also that the grant of a clearance certificate shall not discharge the holder of such certificate from the liability to pay any dues which may subsequently be found to be payable by him under the Act or the rules made thereunder.

- (b) The application must be signed by a duly authorised representative of the applicant, in case the applicant is a company. In case the applicant is an individual, the applicant must personally sign the application. In case of a firm or association of individuals, all the persons constituting the firm or association of individuals shall sign the application.
- (c) The corporate authorisation of the authorised signatory of the applicant (which is a company) must be enclosed with the application. Any change in such corporate authorisation must be immediately intimated to the administering authority.

Form III

[See rule 8(1)(b)]

FORMAT OF PRODUCTION LEASE

This deed for grant of a production lease (“**Lease**”) is made by and between the following:

PARTIES:

- 2 **The President of India**, acting through Ministry of Mines (the “**Central Government**”) represented by the administering authority.

AND

- 3 [Name of the Lessee] [incorporated in India under the Companies Act, 2013 with Corporate Identity Number [CIN], whose registered office is at [address of registered office], India and principal place of business is at [address of principal place of business, if different from registered office] **OR** [an individual who is a citizen of India, having income tax permanent account number [number], residing at [address] **OR** [persons listed in Schedule A organised as a [firm/association of persons] in the name of [name of the firm or association of individuals], all of whom are Indian citizens and resident in India] (the “Lessee”).

BACKGROUND:

- क. The Lessee [had participated in an electronic auction for grant of a production lease, pursuant to which the Lessee has become eligible for grant of a production lease] **OR** [had participated in an electronic auction for grant of a composite licence, pursuant to which he/it has completed the exploration operations and has become eligible for grant of a production lease] under the Offshore Areas Mineral (Development and Regulation) Act, 2002 (“Act”) and the rules made thereunder for grant of a production lease].
- ख. Accordingly, the Central Government is now executing this deed for grant of a Lease to the Lessee in consideration of the fee, royalties, covenants and agreements hereinafter reserved and contained on the part of the Lessee to be paid, observed and performed.

1. DEFINITIONS

The expressions used in this Lease shall have the same meaning as ascribed to them under the Act and the rules made thereunder.

2. GRANT OF LEASE

- 2.1. The Central Government hereby grants the Lease to the Lessee over an area described in Schedule B (“Lease Area”) for conducting production operations for a period of 50 (fifty) years, commencing from the date on which this duly executed production lease deed is registered with respect to the following mineral(s):– [name of the minerals] (“Minerals”).
- 2.2. The Lease shall be with respect to all deposits of the Minerals situated, lying or being in or under the Lease Area.
- 2.3. Subject to the Lessee paying the royalties and making other payments required to be paid and observing and performing all the covenants and agreements herein contained and on the part of the Lessee to be observed and performed shall and may quietly hold and enjoy the rights and premises of the Lease Area for and during the term hereby granted without any unlawful interruption from or by the Central Government, or any person rightfully claiming under it.

3. RIGHTS AND OBLIGATIONS

- 3.1. The rights and obligations of the Central Government and the Lessee shall be as specified in the Act and the rules made thereunder, including without limitation to the Offshore Areas Operating Right Rules, 2024 and the Offshore Mineral Development and Production Agreement dated [date].
- 3.2. Without prejudice to the generality of the foregoing,
- (a) the Lessee shall–
- (i) at all times comply with the provisions of the Act, the rules made thereunder and any other applicable law;
 - (ii) make prompt payment of royalty and any charges or other payment required to be made by the Lessee;
 - (iii) pay compensation in accordance with the law for the time being in force for the damage, injury, or disturbance which may be done by the Lessee and to indemnify and keep indemnified the Central Government and administering authority against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith;
 - (iv) take all necessary steps and measures, for enabling the natural rehabilitation of the seabed affected by production operations, including any measures as may be specified by the Central Government;
 - (v) without delay forward to the Directorate General of Shipping, Director General,

Indian Coast Guard, Directorate General of Mine Safety, administering authority and any other Government authority, a report of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of the operations under this Lease;

- (vi) weigh or measure, or cause to be weighed or measured upon some part of the Lease Area, all the produced and dispatched minerals from the Lease Area with seven days prior notice in writing being given to the administering authority and authorised officer of the Indian Bureau of Mines for every such weighing or measuring in order that he or some person on his behalf may be present thereat;
- (vii) pay stamp duty and registration charges as may be applicable in respect of this deed;
- (viii) during the term of the Lease, enter upon the Lease Area and carry out production operations for minerals specified in this deed, in accordance with the provisions of the Act and the rules made thereunder;
- (ix) comply with the provisions of the Act and the rules made thereunder including rules made under section 19A of the Act and directions issued under section 21 of the Act;
- (x) prior to their deployment, ensure that all vessels, to be deployed and installations to be erected in the Lease Area by the Lessee or by the contracted companies, shall undergo and clear naval security inspection of the Indian Navy under the aegis of the Flag Officer Commanding-in-Chief of the concerned Naval Command and Flag Officer, Offshore Defence Advisory Group and a clear one month's notice shall be given by the Lessee to the aforesaid offices to facilitate such inspection and clearance;
- (xi) take measures, as specified by the Central Government pertaining to prevention and control of pollution and conservation of marine ecosystem in protected areas including marine national parks, marine sanctuaries or any other area, as may be specified by the Central Government;
- (xii) not carry on or allow to be carried on, any production operations at any point within a distance of five hundred metres from any telecommunication cables, offshore wind turbine generators, offshore power sub-stations, oil platform or pipelines, underwater archaeological sites, defence installations or any port area, except under and in accordance with the prior approval of the competent authority, and any officer authorised by the administering authority or the Central Government in this behalf and the said distance of five hundred metres shall be measured from the outer edge of the relevant vessel, structure or installation, as applicable;
- (xiii) furnish -
 - (a) an annual report, containing the full details of the work done by the Lessee and disclose all information acquired by the Lessee in the course of the operations carried on under this Lease regarding the geology and mineral resources of the area covered by the Lease to the Geological Survey of India, administering authority, Indian Bureau of Mines and such other authority as may be specified. The report shall be submitted within a period of sixty days after the close of the year to which it relates;
 - (b) submit to the Central Government, at any time before the performance security is returned to it or transferred to any other account, or within a period of three months after the expiration or termination or abandonment or surrender of the Lease, whichever is earlier, a full report of the work done by the Lessee, and disclose all information acquired by the Lessee in the course of the production operations carried on under this Lease regarding the geology and mineral resources of the Lease Area:

Provided that, subject to provisions of the Act and the rules made thereunder, the Lessee may specify that the whole or any part of the reports and data submitted by him pursuant to clause 3.2 (a) (xiii) above shall be kept confidential, and the concerned authorities shall thereupon, keep such portions of the submitted reports and data as confidential as may be deemed fit:

Provided further that the Central Government may freely use such confidential reports and data for its own purposes:

Provided also that upon termination or expiration or surrender or abandonment of the Lease, whichever is earlier, all reports and data submitted by the said Lessee shall become the sole property of the Central Government.

- (xiv) ensure that no interference is caused to any right of way in any recognised sea lanes for the purposes of navigation, or for any other purpose as may be authorised by the Central Government;
 - (xv) erect, maintain, display and keep in repair all notices or floaters or signage or buoys, marking the boundary of the Lease Area to the satisfaction of the administering authority and other concerned government authorities, including the Indian Coast Guard and the Indian Navy; and
 - (xvi) take appropriate steps and measures as specified by the Central Government to ensure systematic disposal of solid or liquid waste, including hazardous waste, arising out of production operations, beneficiation or processing operations within the lease area;
 - (xvii) work and carry on the production operations in a proper, skilful and workman-like manner.
- (b) the Central Government shall—
- (i) have the right, at all times to enter into and upon and to grant or demise to any person or persons whomsoever, liberty to enter into and upon the Lease Area for all or any purposes other than those for which sole rights and Lease are hereby expressly conferred upon the Lessee, including without limitation, to deploy on, over or through the Lease Area such vessels, equipments, platforms, pipelines, telecommunication cables and other such implements as shall be considered necessary or expedient for any purposes, and to obtain from and out of the Lease Area such stone, earth or other materials as may be necessary or requisite for deploying, repairing or maintaining such vessels, equipments, platforms, pipelines, telecommunication cables and other such implements, to pass and repass at all times over such area for all purposes and as occasion shall require;
 - (ii) have the right to appropriate any performance security provided by the Lessee in accordance with terms of such performance security and require the Lessee to replenish the performance security. In case the performance security has been provided through a security deposit, after termination of the Lease and fulfilment of all obligations of the Lessee, such security deposit shall be returned to the Lessee after appropriate deductions. It is clarified that the security deposit shall not carry any interest; and
 - (iii) have the right to carry out or perform any work or matters which in accordance with the covenants in that behalf are to be carried out or performed by the Lessee, but have not been so carried out or performed within the time specified in that behalf, and the Lessee shall pay the Central Government on demand all expenses which shall be incurred in carrying out or performance of the same.
 - (iv) have power to authorise any other licensee/lessee or person in its behalf to enter into and upon the Lease Area and (i) to search for, dig, raise and carry away petroleum and natural gas; (ii) lay upon or maintain, repair or replace offshore wind turbine generators, offshore power sub-stations; (iii) for these purposes or any other purpose authorised by the Central Government or the administering authority, as the case may be, to sink, drive, erect, construct, maintain, and use such plants, installations, pipeline, cables, waterways, engines, machineries and conveniences as may be deemed necessary;

Provided that in the exercise of such power no substantial hindrance or interference shall be caused to the rights of the Lessee under these presents and that fair compensation, as may be mutually agreed upon or in the event of disagreement as may be decided by the administering authority, shall be paid—

- (i) by such licensee/lessee or such other person to the Lessee for any loss or damage sustained by the Lessee by reason of the exercise of this power by the Central Government, as the case may be;
 - (ii) to such licensee/lessee or such other person by the Lessee for any loss or damage sustained by such licensee/lessee or such other person by reason of the exercise of this power by the Central Government, as the case may be; and
 - (v) have the power to grant and demise to any other licensee or lessee or operator duly authorised by the government authority the power to enter into and upon the said areas and to lay pipelines or install pumping station for the purposes of extracting petroleum or natural gas by such licensee or lessee or operator duly authorised by the government authority and the Lessee shall use its best efforts to avoid obstructions to or interference with any petroleum operations or any operations pertaining to offshore wind power projects or such other operations being carried out or proposed to be carried out by an operator, duly authorised by the Government authority within the Lease Area.
- 3.3. If the Central Government is desirous of exercising its right of pre-emption with respect to any mineral(s), the Central Government shall pay the average sale price of such minerals as published by the Indian Bureau of Mines prevailing at the time of pre-emption.
- 3.4. In the event of the existence of a state of war or emergency (of which existence the President of India shall be the sole judge and a notification to this effect in the Gazette of India shall be conclusive proof) the Central Government shall at all times during the said term have the right (to be exercised by a notice in writing to the Lessee) to forthwith take possession and control of the vessels, installations, platforms, pipelines, plants, machineries, equipments and premises of the Lessee on or in connection with the Lease Area or the operations under this Lease and during such possession or control, the Lessee shall conform to and obey all directions given by or on behalf of the Central Government regarding the use of employment of such vessels, installations, platforms, pipelines, plants, machineries, equipments, premises and minerals, provided that fair compensation, which shall be determined in default of agreement by the Central Government shall be paid to the Lessee for all loss or damage sustained by him/them by reason or in consequence of the exercises of the powers conferred by this clause and provided also that the exercise of such power shall not terminate the said term hereby granted or affect the terms and provisions of this clause.
- 3.5. Every notice required to be given to the Lessee shall be given in writing to such person as may be nominated by the Lessee and such nomination shall be informed to the administering authority in writing. If no such nomination is made, then the notice shall be sent to the Lessee by registered post/speed post/ e-mail addressed to the Lessee at the address shown in the application for the Lease or at such other address in India as the Lessee may designate and every such service shall be deemed to be proper and valid service upon the Lessee and shall not be questioned or challenged by him.
- 3.6. If in any event the orders of the administering authority are revised, reviewed or cancelled by the Central Government in pursuance of proceedings under the Offshore Areas Operating Right Rules, 2024, the Lessee shall not be entitled to compensation for any loss sustained by the Lessee in exercise of the powers and privileges conferred upon the Lessee by these presents.

4. **FORCE MAJEURE**

- 4.1. In this clause the expression “*force majeure*” means act of god, war, insurrection, riot, civil commotion, strike, earthquake, storm, tidal wave, flood, lightning, explosion, fire, or any other happening which the Lessee could not reasonably prevent or control.
- 4.2. Failure on the part of the Lessee to fulfil any of the terms and conditions of this Lease shall not give the Central Government any claim against the Lessee or be deemed a breach of this Lease, in so far as such failure is considered by the Central Government to arise from a *force majeure*, and if the fulfilment by the Lessee of any of the terms and conditions of this Lease be delayed from *force majeure*, the period of such delay shall be added to the period fixed by this Lease.
- 4.3. The administering authority or the Central Government shall not be liable in any manner, whatsoever, to the Lessee in respect of any loss relating to, or arising out of, the occurrence or existence of any *force majeure*.

5. GOVERNING LAW

This Lease and all questions of its interpretation shall be construed in accordance with the laws of India. Subject to the provisions contained in section 28 of the Act, the courts at New Delhi shall have exclusive jurisdiction over disputes arising under this deed.

In witness whereof there presents have been executed at the [name of place] on [date].

SCHEDULE A ***LIST OF PERSONS**

S. No	Name	PAN Number	Address

* To be deleted if the Lessee is not an association of individuals.

SCHEDULE B**AREA OF PRODUCTION LEASE**

(Description of offshore area, including latitudes and longitudes, to be provided.)

Form IV

[See rule 15(2)]

FORMAT OF TRANSFER APPLICATION

To

[Address]

I/We request for seeking transfer of production lease/composite licence.

S. No.	Item Detail	Particulars
(1)	(2)	(3)
1.	Name of the transferor	
2.	Address of the transferor	
3.	Name of the transferee	
4.	Address of the transferee	
5.	Production lease/composite licence number	
6.	Particulars of any licence or lease granted by any government authority, including in relation to petroleum and natural gas or wind power project, or any infrastructure projects such as port, cable, pipeline in existence in the area applied for	
7.	Date of registration of production lease/composite licence	
8.	Whether the transferee is eligible to hold the production lease/composite licence in accordance with the provisions of the Act and the rules made thereunder?	Yes/No
9.	The consideration payable by the transferee, including the consideration in respect of the exploration operations already undertaken and the reports and data generated during the operations.	
10.	Whether the transferee is agreeable to accept all the conditions and liabilities under any law for the time being in force which the transferor was subject to in respect of such a production lease/composite licence.	Yes/No

We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, as may be required by you.

The transferee and transferor also undertake to comply with the provisions of section 13B of the Act and the Offshore Areas Operating Right Rules, 2024 with respect to the transfer of the production lease/composite licence.

Yours faithfully,

Transferor

.....

Transferee

.....

Place:

Date:

Instructions to applicants:

- (a) The application must be signed by a duly authorised representative of the applicants, in case the applicant is a company. In case the applicant is an individual, the applicant must personally sign the application. In case of a firm or association of individuals, all the persons constituting the firm or association of individuals shall sign the application.
- (b) The corporate authorisation of the authorised signatory of the applicant (which is a company) must be enclosed with the application. Any change in such corporate authorisation must be immediately intimated to the Central Government.
- (c) Documentary evidence to confirm eligibility of the transferee to hold the production lease/composite licence in accordance with the provisions of the Act and the rules made thereunder, must be submitted along with the application.

Form V

[See rule 15(6)]

TRANSFER DEED

PART A

FORMAT OF TRANSFER DEED FOR COMPOSITE LICENCE

The Transfer Deed ("Deed") is made on this [day] day of [month], [year] between:

1. (Name of the person with address and occupation) (hereinafter referred to as the "**Transferor**" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns); or

(Name of person with address and occupation) and (Name of person with address and occupation) (hereinafter referred to as the "**Transferor**" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns); or

(Name of the person with address of all the partners) all carrying on business in partnership under the firm name and style of (Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at [address] (hereinafter referred to as the "**Transferor**" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns; or

(Name of Company), a company registered under the (Act under which incorporated) and having its registered office at [address] (hereinafter referred to as the "**Transferor**" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the first part;

AND

2. (Name of person with the address and occupation) (hereinafter referred to as the "**Transferee**" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns; or

(*Name of the person with address and occupation*) and (*Name of person with address and occupation*) (hereinafter referred to as the "**Transferee**" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns; or

(*Name and address of all the partners*) all carrying on business in partnership under the firm name and style of (*Name of the firm*) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at [address] (hereinafter referred to as the "**Transferee**" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns; or

(*Name of the Company*), a company registered under (*Act under which incorporated*) and having its registered office at [address] (hereinafter referred to as the "**Transferee**" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the second part;

AND

3. The President of India acting through Ministry of Mines represented by the administering authority (hereinafter referred to as the "**Central Government**" which expression shall where the context so admits be deemed to include the successors and assigns) of the third part.

WHEREAS:

- A. The Transferor has been granted a Composite Licence by the Central Government through auction on [date] ("**Composite Licence**") and a copy of the Exploration Licence Deed of the Composite Licence in attached hereto as **Annexure A**.
- B. In terms of the Composite Licence, the Transferor is entitled to conduct Exploration Operations of the area under the Composite Licence (more particularly set out in **Annexure B**) ("**Licence Area**") to ascertain existence of mineral resources in accordance with the Offshore Areas (Existence of Mineral Resources) Rules, 2024, for the term and subject to the payment of the applicable fees and royalties and observance and performance of the Transferor's covenant and conditions in the Composite Licence including a covenant not to transfer the Composite Licence in violation of applicable laws.
- C. The Transferor has, pursuant to its transfer application letter dated [date], requested the administering authority for its approval in connection with transfer of the Composite Licence to the Transferee.
- D. The administering authority has, pursuant to its letter dated [date] conveyed approval of the Central Government to the transfer application of the Transferor subject to compliance by the Transferee of the terms and conditions contained in this Deed.

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. Capitalised terms used but not defined in this Deed shall, unless the context otherwise requires, have the respective meanings ascribed thereto in the Composite Licence or the Offshore Areas Mineral (Development and Regulation) Act, 2002, ("**Act**") and the rules made thereunder as the case may be.
2. The Transferee hereby covenants with the Central Government that from and after the transfer and assignment of the Composite Licence, the Transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulations and conditions contained in the Composite Licence in the same manner in all respects as if the Composite Licence had been granted to the Transferee as the licensee thereunder and he/ it had originally executed it as such.
3. It is further hereby agreed and declared by the Transferor of the one part and the Transferee of the other part that:
 - 3.1. The Transferee and the Transferor declare that the Transferee meets and shall continue to meet all the eligibility conditions which were required to be met by the Transferor for grant of the Composite Licence.
 - 3.2. The Transferor and the Transferee declare that they have ensured that the mineral rights over the Licence Area for which the Composite Licence is being transferred vest in the Central Government.
 - 3.3. The Transferee acknowledges that he/ it has received a copy of, and has read and understands the Composite Licence, and covenants, agrees and confirms that it shall be bound by all provisions of the Composite Licence as if it was an original party thereto.
 - 3.4. The Transferor hereby declares that he/ it has not assigned or in any other manner transferred the Composite Licence now being transferred and that no other person or persons has any right, title or interest where under in the present Composite Licence being transferred.

- 3.5. The Transferee hereby declares that he/ it has accepted all the conditions and liabilities which the Transferor was having in respect of such Composite Licence.
- 3.6. The Transferee further declares that he/ it is financially capable of and shall directly undertake exploration operations.
- 3.7. The Transferor has supplied to the Transferee the original or certified copies of all maps, sections, plans of exploration and abandoned area in the Licence Area.
- 3.8. The Transferee hereby further declares that as a consequence of this transfer, the total area while held by him/ it under operating rights are not in contravention of the provisions of the Act or the rules made thereunder.
- 3.9. The Transferor has paid all fees, royalties, and other dues towards the Central Government till the date, in respect of the Composite Licence.

In witness whereof the parties hereto have signed on the, date and year first above written.

For and on behalf of the Central Government:

Name:

Designation:

For and on behalf of the Transferor:

Name:

For and on behalf of the Transferee:

Name:

ANNEXURE A:

Copy of Exploration Licence Deed of the Composite Licence

ANNEXURE B:

Location and area of the Composite Licence

[Particulars of area, including Geo-coordinates, latitude and longitude, to be provided]

PART B

FORMAT OF TRANSFER DEED FOR PRODUCTION LEASE

The Transfer Deed (“**Deed**”) is made on this [day] day of [month], [year] between:

1. *(Name of the person with address and occupation)* (hereinafter referred to as the “**Transferor**” which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns); or

(Name of person with address and occupation) and *(Name of person with address and occupation)* (hereinafter referred to as the “**Transferor**” which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns); or

(Name of the person with address of all the partners) all carrying on business in partnership under the firm name and style of *(Name of the firm)* registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at [address] (hereinafter referred to as the “**Transferor**” which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns); or

(*Name of Company*), a company registered under the (*Act under which incorporated*) and having its registered office at [*address*] (hereinafter referred to as the “**Transferor**” which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the first part;

AND

2. (*Name of person with the address and occupation*) (hereinafter referred to as the “**Transferee**” which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns; or

(*Name of the person with address and occupation*) and (*Name of person with address and occupation*) (hereinafter referred to as the “**Transferee**” which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns; or

(*Name and address of all the partners*) all carrying on business in partnership under the firm name and style of (*Name of the firm*) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at [*address*] (hereinafter referred to as the “**Transferee**” which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns; or

(*Name of the Company*), a company registered under (*Act under which incorporated*) and having its registered office at [*address*] (hereinafter referred to as the “**Transferee**” which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the second part;

AND

3. The President of India acting through Ministry of Mines represented by the administering authority (hereinafter referred to as the “**Central Government**” which expression shall where the context so admits be deemed to include the successors and assigns) of the third part.

WHEREAS:

- A. The Transferor has been granted a production lease by the Central Government in respect of which the Central Government and the Transferor have executed: (a) a Offshore Mineral Development and Production Agreement, dated [*date*]; and (b) a lease deed dated [*date*] and registered as no. [*number*] on [*date*] [at the office of the Sub-Registrar] of [*address*] in connection with the production lease (collectively “**Concession Documents**”) and the same is attached hereto as **Annexure A**.
- B. In terms of the Concession Documents, the Transferor is entitled to search for, win and work offshore mines and minerals in respect of (*Name of minerals*) in the offshore area described in the schedules to the Concession Documents (more particularly set out in **Annexure B**) (“**Lease Area**”), for the term and subject to the payment of the rents and royalties and observance and performance of the Transferor's covenant and conditions in the Concession Documents including a covenant not to transfer the production lease in violation of applicable laws.
- C. The Transferor has, pursuant to its transfer application letter dated [*date*], requested the administering authority for its approval in connection with transfer of the production lease to the Transferee.
- D. The administering authority has, pursuant to its letter dated [*date*] conveyed approval of the Central Government to the transfer application of the Transferor subject to compliance by the Transferee of the terms and conditions contained in this Deed.

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. Capitalised terms used but not defined in this Deed shall, unless the context otherwise requires, have the respective meanings ascribed thereto in the Concession Documents or the Offshore Areas Mineral (Development and Regulation) Act, 2002 (“**Act**”) and the rules made thereunder as the case may be.
2. The Transferee hereby covenants with the Central Government that from and after the transfer and assignment of the production lease, the Transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulations and conditions contained in the Concession Documents in the same manner in all respects as if the production lease had been granted to the Transferee as the lessee thereunder and he/ it had originally executed the Concession Documents as such.
3. It is further hereby agreed and declared by the Transferor of the one part and the Transferee of the other part that:
 - 3.1. The Transferee and the Transferor declare that the Transferee meets and shall continue to meet all the eligibility conditions which were required to be met by the Transferor for grant of the production lease.

- 3.2. The Transferor and the Transferee declare that they have ensured that the mineral rights over the Lease Area for which the production lease is being transferred vest in the Central Government.
- 3.3. The Transferee acknowledges that he/ it has received a copy of, and has read and understands the Concession Documents, and covenants, agrees and confirms that it shall be bound by all provisions of the Concession Documents as if it was an original party thereto.
- 3.4. The Transferor hereby declares that he/ it has not assigned or in any other manner transferred the production lease now being transferred and that no other person or persons has any right, title or interest where under in the present production lease being transferred.
- 3.5. The Transferee hereby declares that he/ it has accepted all the conditions and liabilities which the Transferor was having in respect of such production lease.
- 3.6. The Transferor has supplied to the Transferee the original or certified copies of all maps, sections and plans of abandoned workings in the Lease Area.
- 3.7. The Transferee hereby further declares that as a consequence of this transfer, the total area while held by him/ it under operating rights are not in contravention of the provisions of the Act or the rules made thereunder.
- 3.8. The Transferor has paid all the rent, royalties, and other dues towards the Central Government till the date, in respect of the production lease.

In witness whereof the parties hereto have signed on the, date and year first above written.

For and on behalf of the Central Government:

Name:

Designation:

For and on behalf of the Transferor:

Name:

For and on behalf of the Transferee:

Name:

ANNEXURE A:

Copy of Concession Documents

ANNEXURE B:

Location and area of the production lease

[Particulars of area, including Geo-coordinates, latitude and longitude, to be provided]

Form VI

[See rule 15(9)]

(Notice of transfer of composite licence or production lease)

IMPORTANT INSTRUCTIONS FOR FILLING THE FORM

- (i) This Form, duly filled in must reach the concerned authorities as prescribed within the rule, within a period of thirty days of the date of such transfer, by online or Email.
- (ii) This should also be sent to the Regional Controller in whose territorial jurisdiction the operating right falls as notified by the Controller General .
- (iii) The Form should be digitally signed by the concerned person.

1.	Type of Operating Right	<i>Check which is applicable</i>					
	(a) Composite licence						
	(b) Production lease						
2	IBM Registration Number						
3.	Unique IBM Operating Right Number						
	(a) Composite licence						
	(b) Production lease Code						
4.	Mine Code						
5.	Name of Mine						
6.	Name of the mineral or minerals for which composite licence or production lease has been granted	<i>(Information will be system generated)</i>					
7.	Name and address of the Operating Right holder	<i>(Information will be system generated)</i>					
8.	Particulars of the Operating Right	<i>(Information will be system generated)</i>					
9.	Location of the lease area/ licence area	<i>(Information will be system generated)</i>					
10.	Name and address of the Transferee or Assignee						
	Name	Address	Email	PAN number and TAN number (if applicable)	Aadhar number/Registration Number (in case of company or LLP)	Passport number/ GST number (in case of company or LLP)	Mobile number
11.	Letter number and date of transfer order issued by the administering authority						

Place:	<i>Signature</i>
Date:	
	Name in full:
	Designation: Owner/Geologist/Mining Engineer

Form VII

[See rule 33(1)]

FORMAT OF MEMORANDUM OF APPEAL

To

[Address]

I/We submit the following appeal with the following particulars.

S. No.	Item Detail	Particulars
(1)	(2)	(3)
1.	Name of appellant (In case of a firm or other association of individuals, provide names of each person constituting the firm or the association of individuals, as the case may be.)	

S. No.	Item Detail	Particulars
2.	Address of the appellant (in case of a firm or other association of individuals, provide addresses of each person constituting the firm or the association of individuals, as the case may be.)	
3.	Status of the appellant <ul style="list-style-type: none"> • Individual • Firm • Other association of individuals • Company 	
4.	Whether the appeal is filed within the prescribed time period	Yes/No
5.	If not, the reasons for not presenting it within the prescribed limit and seeking condonation of delay.	
6.	Purpose of the appeal	
7.	Appellant to specify- (a) number and date of communication of the order to the appellant and authority passing the order against which an appeal is preferred. (b) whether in relation to composite licence or production lease; (c) any other matter	
8.	Fee payable for the appeal	
9.	Name of bank, demand draft or challan number with date, through which the fee has been paid.	
10.	Mineral or minerals for which the appeal is filed	
11.	Details of area with respect to which the appeal is filed (give latitude and longitude covering the area).	
12.	Name and complete address of the party/parties impleaded	
13.	Number of copies of memorandum of appeal attached (Memorandum of appeal is to be submitted in triplicate if no party is impleaded. Besides these, for each party impleaded one additional copy is to be enclosed)	
14.	Grounds of appeal	
15.	Prayer(s) sought	

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, as may be required by you.

Yours faithfully

Place:

Date:

Signature of the appellant

Instructions to appellants:

- The appeal must be signed by a duly authorised representative of the appellant, in case the appellant is a company. In case the appellant is an individual, the appellant must personally sign the appeal. In case of a firm or association of individuals, all the persons constituting the firm or association of individuals shall sign the appeal.
- The corporate authorisation of the authorised signatory of the appellant (which is a company) must be enclosed with the appeal. Any change in such corporate authorisation must be immediately intimated to the administering authority.

Form VIII

[See rule 38]

PART A**Register of Composite Licences**

1. Serial number.
2. Name of the licensee.
3. Address of registered office and residence of the licensee.
4. Number and date of notice inviting tender for auction of the composite licence and date of the notification of reservation under section 8 of the Act.
5. (a) Number and date of grant of the composite licence.
(b) Date of execution of exploration licence deed of the composite licence.
(c) Date of registration of exploration licence deed of the composite licence.
6. Geo co-ordinates of the offshore area.
7. Total offshore area for which composite licence has been granted.
8. Auction premium (in percentage).
9. The mineral or minerals for which composite licence has been originally granted:
10. Mineral or minerals added to the composite licence with date.
11. The details of the offshore area for which composite licence was originally granted.
12. Period for which composite licence is granted.
13. Date of change together with details of change that take place in name, nationality, registered office, majority owners or other particulars of the licensee.
14. Date of transfer of the composite licence, if any and the name and address of the transferee. (make separate entry for each transfer).
15. Royalty and any other payments, if payable.
16. Details of performance security.
17. Date of application for production lease (if any).
18. Date of expiry or termination of composite licence or abandonment of operations or surrender of any excess area or grant of production lease.
19. Date from which the area is available for regant.
20. Any other information as may be required by administering authority.
21. Remarks.
22. Signature of the officer.

PART B**Register of Production Lease**

1. Serial number.
2. Name of the lessee.
3. Address of registered office and residence of the lessee.
4. Number and date of notice inviting tender for auction of the production lease and date of the notification of reservation under section 8 of the Act.
5. (a) Number and date of grant of production lease.
(b) Date of execution of production lease deed.
(c) Date of registration of production lease deed.

6. Geo co-ordinates of the offshore area.
7. Total offshore area for which production lease has been granted.
8. Auction premium (in percentage).
9. The mineral or minerals for which production lease has been originally granted.
10. Mineral or minerals added to the production lease with date.
11. The details of the offshore area for which production lease was originally granted.
12. Period for which the production lease is granted.
13. Date of change together with details of change that take place in name, nationality, registered office, majority owners or other particulars of the lessee.
14. Date of transfer of the production lease, if any and the name and address of the transferee. (make separate entry for each transfer).
15. Royalty and any other payments, if payable.
16. Details of performance security.
17. Date of expiry or termination or abandonment or surrender.
18. Date from which the offshore area is available for regrant.
19. Any other information as may be required by administering authority.
20. Remarks.
21. Signature of the officer.

SCHEDULE

[See rule 7(2)(a)(i) and (ii)]

MAXIMUM QUANTITIES OF ORES AND MINERALS REMOVABLE FROM LICENCE AREA

Class	Mineral	Quantities that can be carried away without any payment	Maximum quantity that can be carried away by payment of royalty
(1)	(2)	(3)	(4)
Class - I	Silica sand, Calcareous sands, Lime mud	5 tonnes	200 tonnes
Class - II	Phosphatic sediment, Polymetallic nodules, manganese nodules, cobalt rich encrustation, phosphatic nodules minerals of rare earths group.	5 tonnes	200 tonnes
Class - III	All other minerals not specified above	3 tonnes	200 tonnes

[F. No. M.VI-1/3/2024-Mines VI]

VIVEK KUMAR BAJPAI, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಅಭೀಘಾ ಉಸ್ತಾನಿ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-03

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 32 ಕೇನಿಪು 2024

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03.01.2025.

ದಿನಾಂಕ: 22.10.2024 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Biological Diversity Rules, 2024ರ
Notification-GSR 665 (E)ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ
ಮರುಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd October, 2024

G.S.R. 665(E).—In exercise of the powers conferred by section 62 of the Biological Diversity Act, 2002 (18 of 2003) and in supersession of the Biological Diversity Rules, 2004, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

1. Short title and commencement. – (1) These rules may be called the Biological Diversity Rules, 2024.

(2) They shall come into force on expiry of sixty days from the date of their notification in the Official Gazette.

2. Definitions. – (1) In these rules, unless the context otherwise requires, -

- (a) “Act” means the Biological Diversity Act, 2002 (18 of 2003);
- (b) “Authority” means the National Biodiversity Authority established under sub-section (1) of section 8 of the Act;
- (c) "Adjudicating Officer" means any officer appointed under section 55A of the Act;
- (d) “Biodiversity Management Committee” means a Biodiversity Management Committee established under sub-section (1) of section 41 of the Act;
- (e) “Chairperson” means the Chairperson of the Authority;
- (f) “fee” means any fee as specified in the First Schedule to these rules;
- (g) “Form” means a Form specified under the Second Schedule to these rules;
- (h) “Member” means a member of the Authority and includes the Chairperson and the Member Secretary;
- (i) “Member-Secretary” means a full time Secretary of the Authority, or of the State Biodiversity Board or of the Union territory Biodiversity Council, as the case may be.

(2) Words and expressions used but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Manner of selection and appointment of Chairperson.— (1) The Chairperson shall be appointed by the Central Government.

(2) Every appointment of Chairperson under sub-rule (1) shall be made either on deputation basis including short-term contract or by selection from outside the Government and in case, the appointment is through deputation from the Government or a short-term contract, the applicant shall not be below the rank of Additional Secretary to the Government of India.

4. Term of office of the Chairperson.— (1) The Chairperson shall hold office for a term of three years' from the date of publication of appointment and shall be eligible for re-appointment:

Provided that no Chairperson shall hold office as such after he attains the age of sixty-five years or his term of office expires whichever is earlier.

(2) The Chairperson may resign from the office by giving one-month notice in writing to the Central Government.

5. Pay and allowances.— (1) A Chairperson shall be entitled to a pay equivalent to that of a Secretary to the Government of India.

(2) In case, a retired person is appointed as Chairperson, pay shall be fixed in accordance with the extant orders of the Central Government as applicable to such persons.

(3) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, medical facilities, rent free accommodation or house rent allowance, other perquisites, as are admissible to the officers of the Central Government of equivalent rank.

6. Term of office and allowances of non-official Members.— (1) Every non-official member shall hold office for a term not exceeding three years at a time from the date of publication of appointment of such member in the Official Gazette.

(2) Every non-official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non-official member of Commissions and Committees of the Central Government attending the meetings of such Commission or Committee.

7. Filling of vacancies of non-official Members.— (1) A non-official member may resign from office at any time by giving one month notice in writing addressed to the Central Government under intimation to the Chairperson.

(2) On acceptance of the resignation by the Central Government or on the expiry of the period of notice, the seat of that member in the Authority shall become vacant.

(3) A casual vacancy of a non-official member shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place such member was nominated.

8. Removal of the Members.— No Member shall be removed from office on any ground specified in section 11 of the Act, without conducting an inquiry by the Central Government and without giving such member a reasonable opportunity of being heard.

9. Member-Secretary.— (1) The Central Government shall appoint a Member-Secretary to the Authority.

(2) The Member-Secretary shall be entitled to pay equivalent to that of a Joint Secretary to the Government of India.

(3) The terms and conditions of appointment of the Member-Secretary shall be determined by the Central Government.

(4) The Member-Secretary shall be responsible for convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority or by the Chairperson.

(5) The Member-Secretary shall be in-charge of all the papers and records of the Authority and shall be responsible for their safe custody.

(6) All directions, resolutions, orders and instructions issued by the Authority generally shall be under the seal and signature of the Member-Secretary or any other officer authorised by the Chairperson in this behalf.

10. Meetings of Authority.— (1) The Authority shall meet at least once in three months in a year at the Headquarters of the Authority or at such place as may be decided by the Chairperson.

(2) The Chairperson shall, upon a written request from not less than six members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.

(3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held:

Provided that the Chairperson may authorise convening an emergency meeting of the Authority by giving a short notice to the members for considering and taking decisions on urgent matters.

(4) Every meeting shall be presided over by the Chairperson and in the absence of the Chairperson, a presiding officer to be elected in the presence of Member-Secretary from amongst the members present.

(5) The decisions of the Authority at a meeting shall, if necessary, be taken by a simple majority of the members present and voting and the Chairperson or in absence of the Chairperson, the member presiding shall have a second or casting vote.

(6) Each member including the Member-Secretary shall have one vote.

(7) The quorum at every meeting of the Authority shall be seven.

(8) A member shall be entitled to bring forward any matter for the consideration of the Authority in its meeting of which he has given ten days' notice or the Chairperson in his discretion permits to do so.

(9) Notice of the meeting may be given to the members by the Member-Secretary of the Authority electronically or in such other manner as deemed fit in the circumstances of the case.

11. General functions of Authority. – The Authority may,-

- (a) administer the National Biodiversity Fund;
- (b) sanction grants to the State Biodiversity Boards or Union territory Biodiversity Councils and Biodiversity Management Committees for specific purposes;
- (c) decide on the format and contents of the mutually agreed terms of the various agreements to be executed between the parties embodying the approvals of the Authority;
- (d) provide technical and legal advice, clarifications and guidance to the State Biodiversity Boards or Union territory Biodiversity Councils for implementing the provisions of the Act;
- (e) coordinate the activities of the State Biodiversity Boards and the Union territory Biodiversity Councils;
- (f) specify the electronic and/ or manual formats of the People's Biodiversity Register and lay down the procedure for documentation of information related to biodiversity, its periodic updating, securely maintaining it in an electronic or digitised form and for sharing of such information;
- (g) develop databases and documentation systems for biological resources and traditional knowledge associated thereto through People's Biodiversity Registers in a given geographical area;
- (h) provide guidance and technical support to the Biodiversity Management Committees through the State Biodiversity Board or Union territory Biodiversity Council or directly, if required for preparation, validation and maintenance of Biodiversity Registers;
- (i) report to the Central Government about the functioning of the Authority and implementation of the Act;
- (j) inspect any area and examine documents in connection with the implementation of the Act;
- (k) collect, compile and publish technical and statistical data, manuals, codes or guides relating to biodiversity including conservation, sustainable use of its components, and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge associated thereto;
- (l) sponsor studies, research, investigations, projects, workshops, seminars, conferences, etc., to achieve the objectives of the Act;
- (m) create awareness and organise training and capacity building programmes for all stakeholders including the line departments and academic, scientific and research institutions for achieving the objectives of the Act;
- (n) prepare the annual budget, maintain proper accounts and other relevant records, and prepare an annual statement of accounts in such form, as may be prescribed by the Central Government;
- (o) frame regulations governing the recruitment and conditions of service of the officials of the Authority;
- (p) engage consultants and advisors, for a specific period, not exceeding three years, for providing assistance to the Authority for the effective discharge of its functions:

Provided that if it is necessary and expedient to engage any consultant or advisor beyond a period of three years, the Authority shall seek prior approval of the Central Government.

- (q) recommend creation of posts, periodic revision of recruitment rules, pay and allowances and terms and conditions of service to the Central Government for effective discharge of the functions by the Authority;
- (r) function as a Competent National Authority for the purposes of Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity;
- (s) adjudicate the disputes of State Biodiversity Boards and Union territory Biodiversity Councils as referred to by the Central Government;
- (t) lay down model guidelines for adjudicating disputes of the Biodiversity Management Committees by the State Biodiversity Boards or Union territory Biodiversity Councils;
- (u) develop procedures, in consultation with the State Biodiversity Boards or Union territory Biodiversity Councils, National Medicinal Plants Board, or any other authority as deemed appropriate, for seeking exemption under sub-section (1) of section 7 of the Act on production of a certificate of origin of cultivated medicinal plants;
- (v) suggest guidelines for framing rules by the State Government or Union territory Administration for conservation and management of the areas of biodiversity importance notified as biodiversity heritage sites;
- (w) formulate model guidelines for collection of fee by the Biodiversity Management Committees for accessing biological resources from their jurisdiction;
- (x) facilitate the Biodiversity Management Committees, whenever necessary, for providing prior informed consent by the local communities for access to biological resources and the traditional knowledge associated thereto;
- (y) develop a online Information Technology portal for the discharge of its various functions under the Act in a transparent and accountable manner.

12. Powers and duties of Chairperson. – (1) The Chairperson shall have overall control of the day-to-day activities of the Authority.

(2) The Chairperson shall have the powers of general superintendence over the officials of the Authority and issuing necessary directions for the conduct and management of the functions of the Authority.

(3) The Chairperson, either directly or through the Member-Secretary or any other officer of the Authority authorised for the purpose, may sanction and disburse all payments against the approved budget.

(4) The Chairperson shall have powers for granting administrative, financial and technical sanctions to all the proposals.

(5) The Authority may delegate any of its power under section 16 of the Act to the Member-Secretary or to any officer of the Authority not below the rank of a Section Officer in the Government of India.

(6) The Chairperson shall take all necessary measures for the implementation of all decisions taken by the Authority in proper manner.

(7) In case of any present and imminent emergency situations like epidemics and pandemics particularly those that threaten, or damage human, animal or plant health as determined at national and international level, the Chairperson may exercise the powers of the Authority for granting expeditious approvals and shall place all such approvals before the next meeting of the Authority for approval.

(8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him by the Authority or the Central Government from time to time.

13. Procedure for access to biological resources and knowledge associated thereto. – (1) Any person, referred to in sub-section (2) of section 3 of the Act, seeking approval of the Authority for access to biological resources and knowledge associated thereto for research or for bio-survey and bio-utilisation shall make an application on the web portal of the Authority in Form 1, and for commercial utilisation shall make an application on the web portal of the Authority in Form 2.

(2) Any person, referred to in sub-section (2) of section 3 of the Act, who was in possession of a biological resource before the coming into force of the Biological Diversity (Amendment) Act, 2023, shall seek approval of the Authority for the purpose of research, commercial utilisation, bio-survey and bio-utilisation.

(3) Every application under sub-rule (1) shall be accompanied with a specified fee paid in the form of electronic transfer or digital payment to the National Biodiversity Fund.

(4) The Authority may, after consultation with the Biodiversity Management Committee either directly or through State Biodiversity Board or Union territory Biodiversity Council, and after collecting such additional information from the applicant and other sources, as required, and based on the merits of the application, may grant approval subject to terms and conditions, including benefit sharing, or reject, as deemed fit within a period of ninety days from the receipt of the application in complete form:

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and applicant shall be informed about the closure:

Provided further that the Biodiversity Management Committee before conveying its views to the Authority, may consult, wherever required, the community, individual or entity concerned to whom the bio-resource belongs to, as the case may be, to ensure their prior informed consent:

Provided also that in cases of present or imminent emergencies situation, the Authority shall process the application expeditiously.

(5) The approval to access shall be in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of the half of the fee specified for fresh application under sub-rule (3) within a period of ninety days.

(6) The Authority may for reasons to be recorded in writing, reject an application if it considers that the request cannot be acceded to:

Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

(7) The Authority shall publicise all the approvals granted or rejected on its website and shall also ensure that such information is shared with other agencies, as may be required.

(8) The compliance with the terms and conditions of the agreement shall be monitored by the Authority by involving State Biodiversity Board or Union territory Biodiversity Council, Biodiversity Management Committee or any other agency as deemed appropriate by the Authority.

14. Restricting access to biological resources and knowledge associated with such biological resources. –(1)The Authority after conducting such enquiry as deemed appropriate in respect of any provisions of this rule, shall take steps to restrict or prohibit access to biological resources or knowledge associated with such biological resources for the following reasons, namely:-

- (a) the request for access is for any threatened and/ or endemic species including those notified under section 38 of the Act;
- (b) the request for access may result in an adverse impact on the livelihood and/ or socio-cultural aspects of the local communities;
- (c) the request for access may result in adverse environmental impact(s) which may be difficult to control and mitigate;
- (d) the request for access may cause genetic erosion or affect the ecosystem functions including in the areas notified under section 37 of the Act;
- (e) the request is for the use of resources for purposes contrary to national interest and other related international agreements entered into by India;
- (f) for any other reasons to be recorded in writing.

(2) Notwithstanding sub-rule (1), the Authority may permit access to cultivated species mentioned under clause (a) to (e) of that sub-rule depending on merits of each case for a specific period.

15. Procedure for seeking approval for sharing or transferring results of research to persons covered under sub-section (2) of section 3 of the Act.– (1) Any person who intends to share or transfer any result of the research relating to biological resources or traditional knowledge associated thereto to persons covered under sub-section (2) of section 3 of the Act shall make an application on the web portal of the Authority in the following Forms, namely :-

- (a) Form 3 for seeking prior approval of the Authority by any person for sharing or transferring the results of research to persons covered under sub-section (2) of section 3 of the Act for commercial purposes or otherwise;
- (b) Form 4 for registration by the transferee (persons covered under sub-section (2) of section 3 of the Act) to use the results of research for further research;
- (c) Form 5 for seeking prior approval of the Authority to use the results of research for commercial utilisation by the transferee (persons covered under sub-section (2) of section 3 of the Act);
- (d) Form 6 for seeking prior approval of the Authority to use the results of research for obtaining intellectual property rights by the transferee (persons covered under sub-section (2) of section 3 of the Act).

(2) Every application under sub-rule (1) shall be accompanied by a fee paid in an electronic transfer or digital payment form to the National Biodiversity Fund.

(3) The Authority after collecting such additional information from the applicant and other sources, as required, and based on the merits of the application, may grant approval subject to such terms and conditions including benefit sharing, or reject, as deemed fit, within a period of ninety days for receipt of the application under sub-rule (1):

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and the applicant shall be informed about the closure.

Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

(4) The approvals referred under this rule shall be granted in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of half of the fee specified for fresh application under sub-rule (2) within a period of ninety days.

(5) If the Authority is of the opinion that activities referred to in the registration made under clause(b) of sub-rule (1) are detrimental or contrary to the objectives of the Act, it may by order, prohibit or restrict any such activity.

(6) The applicant so registered with the Authority under clause (b) sub-rule (1) shall submit periodic status report as may be required by the Authority.

16. Procedure for registration and obtaining prior approval from Authority before grant of intellectual property rights.— (1) Procedure for seeking prior approval before grant of intellectual property rights by any person referred to in sub-section (2) of section 3 of the Act shall be as follows, namely:-

- (a) Any person referred to in sub-section (2) of section 3 of the Act, applying for any intellectual property rights, in or outside India by applying on the web portal of the Authority in Form 7, for any invention based on research or information including digital sequence information on biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, shall seek prior approval of the Authority, before grant of intellectual property rights, by the competent authority in India or elsewhere;
- (b) every application under clause (a) shall be accompanied with a specified fee paid in the form of electronic transfer or digital payment to the National Biodiversity Fund;
- (c) the Authority shall, after collecting such additional information from the applicant and other sources as deemed appropriate, and on being satisfied with the merits of the application, take a decision on granting approval or otherwise within a period of one hundred and eighty days from the date of receipt of application or on receipt of requisite information whichever is later, subject to such terms and conditions including benefit sharing, as it may deem fit:

Provided that the application shall be closed if the requisite information sought by the Authority has not been made available by the applicant within a period of ninety days from the date of seeking information and the applicant shall be informed about such closure.

- (d) the approval shall be granted in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application shall be deemed to be closed, if the applicant does not sign the agreement within a period of ninety days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of the half of the fee prescribed for submitting fresh application under clause (b) of sub-rule 1 within a period of ninety days.

- (e) the applicant shall intimate the Authority within forty five days from the date of the grant of the intellectual property rights, failing which action as deemed fit will be taken by the competent authority;
- (f) the Authority, for reasons to be recorded in writing, may reject an application if it considers that the request cannot be acceded to:

Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

(2) Procedure for registration before obtaining intellectual property rights by any person referred to under section 7 of the Act shall be as follows, namely:-

- (a) any person referred to in under section 7 of the Act, applying for any intellectual property rights, in or outside India, shall register on the web portal of the Authority in Form 8, for any invention based on research or information including digital sequence information on biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, before grant of such intellectual property rights by the competent authority in India or abroad;
- (b) every application under clause (a) for registration with the Authority, shall be accompanied by a specified fee in the form of electronic transfer or digital payment to the National Biodiversity Fund;
- (c) if the Authority is of the opinion that such an invention is the result of access to the knowledge held by a community or an individual or a group of individuals in an illegal manner, the Authority may recommend to the adjudicating officer to impose higher penalty with regard to damage and also value assessed or realised, as the case may be;
- (d) the applicant shall intimate the Authority within forty five days of the grant of the intellectual property rights;
- (e) the applicant at the time of registration shall give an undertaking that prior approval of the Authority will be taken before commercialisation of the intellectual property rights.

(3) Procedure for obtaining prior approval of the Authority for commercialisation of the intellectual property rights by any person referred to in under section 7 of the Act shall be as follows:

- (a) at the time of commercialisation of the intellectual property rights referred to under clause (e) of sub-rule(2), the applicant shall obtain prior approval by applying on the web portal of the Authority in Form 9.
- (b) every application under clause (a) shall be accompanied by a specified fee paid in the form of electronic transfer or digital payment to the National Biodiversity Fund;
- (c) the Authority shall, after collecting such additional information from the applicant and other sources as deemed appropriate, and on being satisfied with the merits of the application, take a decision on granting approval or otherwise within a period of one hundred and eighty days from the date of receipt of application or on receipt of requisite information whichever is later, subject to such terms and conditions including benefit sharing, as it may deem fit;
- (d) the approval shall be granted in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed if the applicant does not sign the agreement within a period of ninety days from the date of communication of the draft agreement by the Authority to the applicant:

Provided further that such closed application may be revived on receipt of payment of the half of the fee specified for fresh application under clause 3(b) within a period of ninety days.

17. Revocation of access or approval.- (1) The Authority may either on the basis of a complaint or suo moto withdraw the approvals granted under rules 13, 15, sub-rule(1) and (3) of rule 16 and rule 20 revoke the agreement or any part thereof, after giving a reasonable opportunity of being heard to the applicant, under the following conditions, namely: -

- (i) on the basis of reasonable belief that the person to whom the approval was granted has declared false or misleading information or violated any of the provisions of the Act or the conditions on which the approval was granted;
- (ii) when the person who has been granted approval has failed to comply with any of the terms and conditions of the agreement;
- (iii) in the larger public interest or for the protection of environment and conservation of biological diversity, or on the basis of new facts or information brought to the notice of the Authority.

(2) The Authority shall forward a copy of every order of revocation to the State Biodiversity Board and Union territory Biodiversity Council and the Biodiversity Management Committee—concerned for prohibiting the access and also to assess the damage caused, if any, and to take steps to recover the damages.

18. Measures for monitoring and regulating the use in India of biological resource or associated traditional knowledge obtained from any foreign country.- (1) Any person who intends to use in India the biological resource or traditional knowledge associated thereto obtained from any foreign country for research or for commercial purpose or for obtaining intellectual property rights, shall submit a declaration in Form 10 on the web portal of the Authority, as per the provisions of the Section 36(A) of the Act.

(2) The Authority, as per the provisions of the Section 36(A) of the Act, after obtaining relevant information from the user of such biological resource or traditional knowledge associated thereto, shall notify the same on the Access and Benefit-Sharing Clearing-House of the Convention on Biological Diversity.

(3) Based on the request of the provider country, the Authority, as per the provisions of the Section 36(A) of the Act, shall take appropriate measures on such use.

19. Procedure for obtaining a certificate of origin for cultivated medicinal plants. – (1) Any person referred to in under section 7 of the Act, who intends to claim an exemption for accessing cultivated medicinal plants under sub-section (2) of section 7, shall submit self-declaration in physical or digital form to obtain a certificate of origin from the Biodiversity Management Committee concerned in Form 11.

(2) The self-declaration referred to in sub-rule (1) shall contain details including the name and address of the applicant and the cultivator, geographical location including survey number, extent of area under cultivation along with the details of the species being cultivated and parts thereof, and approximate quantity of the biological resources being accessed.

(3) The application shall be accompanied with a specified fee paid in the form of electronic-transfer or digital payment to the Local Biodiversity Fund.

(4) The Biodiversity Management Committee, based on the application submitted by the applicant including the cultivation and post-harvest details of the medicinal plants, and the entries made in the books maintained in Format 12, shall issue the certificate of origin of the cultivated medicinal plants referred to under sub-section (3) of section 7 of the Act and sub-rule (1) within a period of fifteen days:

Provided that if the certificate of origin is not issued within a period of fifteen days, the applicant shall approach the State Biodiversity Board concerned and the same may be disposed of within a period of seven days:

Provided further that in the case of any dispute between the applicant, Biodiversity Management Committee or State Biodiversity Board concerned, the same shall be referred to the Authority by the State Biodiversity Board concerned, and in such case, the decision of the Authority shall be final.

(5) For claiming exemption under sub-section (2) of section 7 of the Act, the onus of proof of source of origin of the medicinal plants shall lie on the end-user.

20. Procedure for conducting non-commercial research or research for emergency purposes outside India by Indian researcher or institution.- (1) Any Indian researcher or institution who intends to carry or send the biological resource outside India to undertake non-commercial research including carrying out urgent studies to address certain present or imminent emergencies like epidemics, shall apply on the web portal of the Authority in Form 13 :

Provided that in case the traditional knowledge associated thereto is also to be transferred or carried along with the biological resources, the approval of the Authority shall be taken by the concerned foreign institution under rule 13.

(2) Every application under sub-rule (1) shall be accompanied with a specified fee paid in the form of electronic transfer or digital payment to the National Biodiversity Fund.

(3) The Authority shall, on being satisfied with the application under sub-rule (1), grant its approval within a period of forty five days from the date of receipt of the application.

(4) On receipt of approval of the Authority under sub-rule (3), the applicant shall deposit voucher specimens in the designated national repositories, wherever required, before carrying or sending the biological resource outside India and a copy of proof of such deposits shall be endorsed to the Authority.

21. Management and utilisation of National Biodiversity Fund.— (1) The National Biodiversity Fund shall be operated by the Chairperson or by such other officer of the Authority as may be authorised in this regard.

(2) The National Biodiversity Fund shall have two separate accounts, one relating to clause (a) of sub-section 1 of section 27 and the other under clause (b) and (c) of sub-section (1) of the Act which shall be utilised for the activities referred from sub-section (2) of section 27, as decided by the Authority.

(3) All receipts including monetary benefits accrued shall be deposited in the National Biodiversity Fund.

(4) The benefit sharing that is to be earmarked for the Authority, State Biodiversity Boards or Union territory Biodiversity Council may range from minimum of ten percent to maximum of fifteen percent as the case may be and rest may be transferred to benefit claimers or for other uses when benefit claimers are not identified.

(5) The Authority may specify measures for monitoring the utilisation of the Fund.

22. Appeal for settlement of disputes under section 50 of the Act.— (1) If a dispute arises between the Authority and a State Biodiversity Board or Union territory Biodiversity Council or Boards and Councils in respect of implementation of any order or direction or on any policy decision, either of the aggrieved parties or the Authority or the Board or the Council, as the case may be, may prefer an appeal under section 50 of the Act in Form 14, to the Central Government.

(2) In case of a dispute between a State Biodiversity Board or Union territory Biodiversity Council and another Board or Council or among Boards or Councils, the Central Government, may refer the same to the Authority for resolution.

(3) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be submitted online, within thirty days from the date of the order, direction or policy decision:

Provided that if the Central Government is satisfied that there was a good and sufficient ground for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of thirty days.

(4) The notice for hearing the appeal shall be given on the web portal of the Authority in Form 15.

(5) Where a dispute is referred to the Authority under sub-rule (2), the Authority shall be guided by the principles of natural justice and as far as practicable, and follow the same procedure which the Central Government is required to follow under this rule.

(6) The Central Government or the Authority, after hearing the appellant and other parties, and after taking into consideration other relevant facts, if any, shall dispose of the appeal, within a period of sixty days.

(7) In disposing of an appeal, the Central Government or the Authority may modify or cancel the impugned order, direction or policy decision, as the case may be.

23. Manner of inquiry by the Adjudicating Officer.— (1) No Adjudicating Officer shall inquire into a complaint of non-compliance or contravention of the provisions referred to in section 55 of the Act unless the complaint is filed by or on behalf of the authorised officer, along with all necessary documents, either on its own motion or on receipt of a representation.

(2) The complaint may be represented by a presenting officer who shall be a legal practitioner and shall appear and present the case before the Adjudicating Officer, on behalf of the authorised officers, within their respective jurisdiction.

(3) The presenting officer shall, before forwarding the matter under sub-rule(1) to the Adjudicating Officer, process the same exercising reasonable due diligence, and bring on record all relevant facts and circumstances that need to be taken into account for imposing penalty, and also to ascertain if it is a matter necessary for adjudication and the authorised officer shall provide all the relevant documents and facts related to the case, to the presenting officer.

(4) The adjudicating officer within thirty days of receipt of the complaint shall issue a notice to the person against whom non-compliance or contravention to the provisions of section 3 or section 4 or section 6 or section 7 of the Act is alleged under section 55A of the Act, along with the particulars of the matter against him clearly specifying the nature of non-compliance or contravention, and such person may either appear personally or through an authorised representative, on such date as specified, which shall not be less than fifteen days from the date of service thereon and shall not exceed thirty days, in such format as may be prescribed by the Central Government.

(5) On such date as specified in the notice, the person or his authorised representative may admit or deny the allegations levelled against him, before the Adjudicating Officer.

(6) If the person or his representative admits to the allegations, the Adjudicating Officer shall state in his order such admission and impose a penalty and send a copy of the order to the concerned presenting officer and the person against whom complaint was filed.

(7) In cases not covered under sub-rule (6), the adjudicating officer shall fix a date for inquiry and communicate the same to the concerned presenting officer, for presentation of the matter.

(8) On the date fixed, the adjudicating officer shall give an opportunity to the person to produce documents or evidence as he may consider relevant to the inquiry.

(9) If any person fails or refuses to appear before the adjudicating officer as required by sub-rule (8) without sufficient cause, the adjudicating officer may proceed with the inquiry in the absence of such person.

(10) The Adjudicating Officer may also refer to the findings of the authority or officer authorised under section 55B of the Act or utilize their services, wherever necessary.

(11) While holding such inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the matter to give evidence or to produce any document which, in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry.

(12) For the purposes of sub-rule(11), the Adjudicating Officer shall have the following powers of a Civil Court, as specified in the Civil Procedure Code, 1908, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents or other electronic records; and
- (c) receiving evidence on affidavits.

(13) On presentation of matter by the concerned presenting officer, defence given by the person and recording of such information as necessary, the adjudicating officer shall either dismiss the allegation or make such order as it deemed fit.

(14) All orders of the Adjudicating Officer shall be speaking orders, irrespective of whether penalty has been imposed by such order or not.

(15) The Adjudicating Officer shall complete the adjudication of every matter within ninety days from the date fixed under sub-rule (7), which is extendable upto a further period of ninety days if sufficient cause exists.

(16) If the subject-matter of a complaint received under this rule is already in question before the National Green Tribunal or any other Court of competent jurisdiction on the date of receipt of the matter, the proceedings under this rule shall not be initiated unless such latter case is finally disposed of and the Adjudicating Officer shall make an order of adjournment of the proceedings under this sub-rule.

(17) If the adjudicating officer is satisfied that the person concerned has failed to comply with the provisions of section 3 or section 4 or section 6 or section 7 of the Act, he shall impose a penalty as deemed fit in accordance with the provisions of section 55 of the Act.

(18) The Adjudicating Officer shall not pass an order for penalty if the Tribunal or Court has already passed an order to that effect in a proceedings referred to in under sub-rule (16).

(19) Any person or a benefit claimer who intends to make a complaint before any court about any offence under this Act shall give a notice of not less than thirty days in Form 16 about his intention to make a complaint to the Central Government or authority or officer authorised in that behalf, under section 61 of the Act, through online or registered post with acknowledgement due or speed post.

(20) Upon expiry of a period of thirty days from the recipient of notice and not being satisfied with the action taken by authority or Central Government, such person or the benefit claimer may file a written complaint before a court having jurisdiction to take cognizance of the offence under the Act.

Provided that the Central Government or any authority or officer authorised by that Government may under clause (a) of section 61 of the Act make a written complaint to court for taking cognizance of any offence under the Act.

24. Appeals from Order of Adjudicating Officer.- Any person aggrieved by the order of the Adjudicating Officer may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010), under section 52A of the Act.

25. Factors to be considered while determining quantum of penalty.- (1) The Adjudicating Officer shall have due regard to the following factors for determining the quantum of penalty, namely: -

- (a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of contravention of the provisions of the Act;

- (b) the penalty for contravention of the provisions referred to in section 55 of the Act shall not be less than one lakh rupees and may extend to fifty lakh rupees;
- (c) in case the damage caused, exceeds the amount of penalty under sub-rule (2) then the penalty shall be commensurate with the damage caused.

Explanation.- In this clause the expression damage, includes damage to the environment and value of the biological resource used and value of the products derived from it by violating the provisions of the Act;

- (d) in case of a failure or continued contravention, an additional penalty not exceeding one crore rupees may be imposed over and above the penalty under sub-rule (2) or (3);
- (e) any other things as may be considered by the Adjudicating Officer to be relevant for the conservation of biological diversity and protection of the environment.

(2) A penalty shall not be imposed without giving the person or entity concerned a reasonable opportunity of being heard in the matter.

(3) The penalty as imposed by the Adjudicating Officer under the Act shall be in addition to the liability to pay relief or compensation under section 55 of the Act and section 17 of the National Green Tribunal Act, 2010(19 of 2010).

26. Deposition of the penalty amount.— All amounts of penalties realised under these rules shall be deposited in the National Biodiversity Fund and all the amounts of penalties relating to offences under section 7 of the Act shall be deposited in the Biodiversity Fund of the State Biodiversity Board or the Union territory Biodiversity Council concerned, as the case may be.

THE FIRST SCHEDULE

Application Forms and Fees

Sl. no. (1)	Purpose of the application (2)	Application Fee (3)
1.	Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for research or for bio-survey and bio-utilization by persons covered under section 3(2) of the Act.	
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
2.	Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for commercial utilization by persons covered under section 3(2) of the Act	
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
3.	Application for seeking prior approval of the National Biodiversity Authority for sharing or transferring the results of research to section 3(2) persons for commercial purposes or otherwise.	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
4.	Application for prior registration with the National Biodiversity Authority to use the results of research for further research by the transferee (section 3(2) person)	
	For Individual	₹ 2,000.00
	For entity	₹ 5,000.00
5.	Application for seeking prior approval of the National Biodiversity Authority to use the results of research for commercial utilisation by the transferee (section 3(2) person)	
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
6.	Application for seeking prior approval to use the results of research for obtaining intellectual property rights by the transferee (section 3(2) person)	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
7.	Application for seeking prior approval of the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 3(2) of the Act	

	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
8.	Application for registration with the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 7 of the Act.	
	For Individual	₹ 2,000.00
	For entity	₹ 5,000.00
9.	Application for seeking prior approval of the National Biodiversity Authority for commercialisation of intellectual property rights by persons covered under section 7 of the Act.	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
10.	Form for declaration of the use of biological resource or associated traditional knowledge obtained from any foreign country, in India.	Nil
11.	Application cum format for obtaining certificate of origin for cultivated medicinal plants	₹ 200.00
12.	Format of book containing details of cultivated medicinal plants to be maintained by the Biodiversity Management Committee	Nil
13.	Application for seeking prior approval of the National Biodiversity Authority for sending /carrying the biological resources outside India by Indian researchers / institutions for conducting non-commercial research or research for emergency purposes.	₹ 1,000.00
14.	Form of Memorandum of Appeal before the Central Government for settlement of disputes	Nil
15.	Format of notice to be issued by the Ministry of Environment, Forest and Climate Change or National Biodiversity Authority for appearance before it	Nil
16.	Format of notice by any person/benefit claimer	Nil

THE SECOND SECHEDULE

[see rule 2(1)(g)]

FORM -1

{See section 3 of the Act and rule 13(1)}

Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for research or for bio-survey and bio-utilization by persons covered under section 3(2) of the Act.

(1)	Particulars of the applicant	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a. NRI b. Non-Indian c. Entity covered under section 3(2) of the Act.
(iv)	Address of the applicant	

	(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorized representative for the applicant (applicable if the applicant is an entity) (Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(viii)	Contact person of the applicant in India (If any) (Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(2)	Details of the biological resources and knowledge associated thereto intended to be accessed	
(i)	Details of the biological resource	(Drop down menu) i. Nature of the biological resource(s) (plants/animals/microbes/genetic material/variety/hybrid) ii. Common name iii. Scientific name (Genus and species/variety/strain) iv. Plant parts (Seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.) v. Quantity of each biological resource (in Kg/gm/ml) vi. Duration of access (expected start and end date) vii. Frequency of access (number of times the biological resource(s) will be accessed) viii. Source of access (wild/cultivated/institution/repository/traders/ market) ix. Geographical location (village, taluk, district, state). If procured from a trader/institute, their name, address and contact details to be provided; if procured from repository/institution, then origin of collection to be provided.
(ii)	Details about the knowledge associated thereto:	
(a)	Nature of the knowledge associated (Oral/ documented)	
(b)	Details of traditional knowledge intended to be accessed (in not more than 100 words)	
(c)	Name of the traditional knowledge holder (individual/community)	
(d)	Address of the traditional knowledge holder (individual community)	

(3)	Expected duration of research	
(4)	The purpose for which access is required including the type and extent of research being derived and expected to be derived from it	
(i)	Brief description about the research	
(ii)	Expected outcome of the research	
(5)	Details of any institution which will participate in the research and development activities	
(i)	Name of the person or institute	
(ii)	Contact details (<i>Postal address(es) including PIN code, email, mobile and alternate mobile numbers and/or landline number</i>)	
(6)	Preferred mode of benefit sharing	i. Monetary ii. Non-monetary iii. Both
(7)	Estimation of benefits that would flow to India/communities arising out of the use of accessed biological resources and knowledge associated thereto	
(8)	Any other information considered relevant	
(9)	Details of remittance of application fee (<i>mode of payment, transaction ID, amount, date, etc.</i>)	

Declaration

I/We declare that:

1. Collection of the proposed biological resources shall not adversely affect the sustainability of the resources;
2. Collection of the proposed biological resource shall not entail any environmental impact;
3. Collection of the proposed biological resource shall not pose any risk to the ecosystems; and
4. Collection of the proposed biological resource and knowledge associated thereto shall not adversely affect the local communities.

I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false. I/We shall be responsible for any incorrect or wrong information provided.

Place

Signature

Date

Name

FORM-2*{See section 3 of the Act and rule 13(1)}*

Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for commercial utilization by persons covered under section 3(2) of the Act

(1)	Particulars of the applicant	
(i)	Category of the applicant	(Drop-down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a. NRI b. Non-Indian c. Entity covered under section 3(2) of the Act
(iv)	Address of the applicant <i>(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant <i>(applicable if the applicant is an entity)</i> <i>(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(viii)	Contact person of the applicant in India (If any) <i>(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(2)	Details of the biological resources and knowledge associated thereto intended to be accessed	
(i)	Details of biological resource (Drop down menu) i. Nature of the biological resource <i>(plants/animals/microbes/genetic material/variety/hybrid)</i> ii. Common name iii. Scientific name (Genus and species/variety/strain) iv. Plant parts (Seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.) v. Quantity of each biological resource (in Kg/gm/ml) vi. Duration of access (expected start and end date) vii. Source of access (wild/cultivated/institution/repository/trader/ market)	

		viii. Geographical location (village, taluk, district, state). If procured from a trader institute, their name, address and contact details to be provided; if procured from repository/institution, then origin of collection to be provided.
(ii) Details about the knowledge associated thereto:		
(a)	Nature of the knowledge associated (<i>Oral/ documented</i>)	
(b)	Details of traditional knowledge intended to be accessed (<i>in not more than 100 words</i>)	
(c)	Name of the traditional knowledge holder (individual community)	
(d)	Address of the traditional knowledge holder (individual community)	
(3) The purpose for which access is required including the type and extent of commercial utilisation being derived and expected to be derived from it		
(i)	Brief description about the commercial utilization	
(ii)	Expected duration of commercial utilization	
(4) Details of the approval obtained from the Authority for the purpose of research or for bio-survey and bio-utilization		
(i)	NBA application number	
(ii)	Date of approval	
(iii)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(5) Preferred mode of benefit sharing		i. Monetary ii. Non-monetary iii. Both
(6) Estimation of benefits that would flow to India/ communities arising out of the use of accessed biological resources and knowledge associated thereto		
(7) Any other information considered relevant		
(8) Details of remittance of application fee (<i>Mode of payment, transaction ID, amount, date, etc.</i>)		
Declaration		
I/We declare that:		
<ol style="list-style-type: none"> 1. Collection of the proposed biological resource shall not adversely affect the sustainability of the resources; 2. Collection of the proposed biological resource shall not entail any environmental impact; 3. Collection of the proposed biological resource shall not pose any risk to the ecosystems; and 4. Collection of the proposed biological resource and knowledge associated thereto shall not adversely affect the local communities. 		
I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false. I/We shall be responsible for any incorrect or wrong information provided.		
Place	Signature	
Date	Name	

FORM-3*{See section 4 of the Act and rule 15(1)(a)}*

Application for seeking prior approval of the National Biodiversity Authority for sharing or transferring the results of research to section 3(2) persons for commercial purposes or otherwise

(1)	Particulars of the applicant	
(i)	Category of the applicant	(Drop-down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a. Indian b. NRI c. Non-Indian d. Entity covered under section 3(2) of the Act e. Entity covered under section 7 of the Act
(iv)	Address of the applicant <i>(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant <i>(applicable if the applicant is an entity)</i> <i>(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(viii)	Contact person of the applicant in India (If any) <i>(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(2)	Details of the results of research	
(i)	Details of the results of research conducted	
(ii)	Details and nature of results of research to be transferred or shared	
(3)	Details of the biological resources used in the research	(Drop down menu) i. Nature of the biological resource(s) <i>(plants/animals/microbes/genetic material/variety/hybrid)</i> ii. Common name

		iii. Scientific name (Genus and species/variety/strain) iv. Plant parts (Seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.) v. Source of access (wild/cultivated/institution/repository/traders/market) vi. Geographical location (village, taluk, district, state). If procured from a trader institute, their name, address and contact details to be provided; if procured from repository/institution, then origin of collection to be provided.
(4) Details of the traditional knowledge associated thereto if any used in the research		
(i)	Details of traditional knowledge accessed (in not more than 100 words)	
(ii)	Name of the traditional knowledge holder (individual community)	
(iii)	Address of the traditional knowledge holder (individual/ community)	
(iv)	Consent obtained from the community/individual, if any	
(5) Details of the approval obtained from the Authority for undertaking research by section 3(2) persons		
(i)	NBA application number	
(ii)	Date of approval	
(iii)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(6) Details of the institution where research and development activities were carried out		
(i)	Provide the name and contact details of the institution/entity where research and development activities were carried out	
(ii)	Name of the institution	
(iii)	Contact details (<i>Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number</i>)	
(iv)	<i>Attach a copy of the letter issued to the applicant by the competent authority of the institution/ entity where research and development activities were carried out.</i>	
(7) Details of the individual/entity to whom the research results are intended to be transferred or shared.		
(i)	Name(s) and contact details of individual entity	

(ii)	Details of the intended use of research results by the transferee	
(8)	Details of economic, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for share or transfer of results of research.	
(9)	Details of any memorandum of understanding or agreement executed between the proposed recipient and the applicant seeking approval for share or transfer of results of research (Copy of Memorandum of Understanding /agreement, if any, to be uploaded.)	
(10)	Any other information considered relevant	
(11)	Details of remittance of application fee (Mode of payment, transaction ID, amount, date, etc.)	
<p style="text-align: center;">Declaration</p> <p>I/We declare that:</p> <p>a. I/We inform the transferee to register with the Authority if he/she intends to use the results of research for further research as per the extant provisions of the Act.</p> <p>b. I/We inform the transferee to seek prior approval of the Authority if he/she intends to use the results of research for commercial utilization or for obtaining intellectual property rights as per the extant provisions of the Act.</p> <p>c. The information provided in the application is true and correct to the best of my/our knowledge and belief that it conceals nothing and that no part of it is false. I/We shall be responsible for any incorrect or wrong information provided.</p> <p>Place _____ Signature _____</p> <p>Date _____ Name _____</p>		

FORM-4*{See section 4 of the Act and rule 15(1)(b)}***Application for registration with the National Biodiversity Authority to use the results of research for further research by the transferee**

(1)	Particulars of the applicant (transferee)	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a. NRI b. Non-Indian c. Entity covered under section 3(2) of the Act

(iv)	Address of the applicant <i>(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Turnover of the organization in Indian rupees (applicable if the applicant is an entity)	
(viii)	Details of the authorised representative for the applicant (applicable if the applicant is an entity) <i>(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(ix)	Contact person of the applicant in India (If any) <i>(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(2)	Details of the approval obtained from the Authority by the transferor or person from whom results of research are obtained under sections 4 and 20 of the Act	
(i)	Name of the person/entity/institution	
(ii)	Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number	
(iii)	NBA Application number	
(iv)	Date of approval	
(v)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(3)	Brief description about the research activities to be carried out by the applicant	
(4)	Details of any person/institute that are to be involved in the research	
(i)	Name of the person or institute	
(ii)	Contact details (Postal address including PIN code, email, mobile and alternate mobile numbers and landline number)	
(5)	Expected duration of research	
(6)	Expected outcome of research	
(7)	Benefits that would flow to India/ communities arising out of the proposed research on the use of obtained results of research	
(8)	Any other information considered relevant	
(9)	Details of remittance of application fee (Mode of payment, transaction ID, amount, date, etc.)	
<p style="text-align: center;">Declaration</p> <p>a. I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.</p> <p>b. I/We shall be responsible for any incorrect or wrong information provided.</p> <p>c. I/We shall declare the progress made in the research activities to the Authority at the end of every calendar year.</p> <p>d. I/We shall obtain prior approval of the Authority at the time of commercial utilization of the obtained results of research or for obtaining intellectual property rights within or outside India as per section 4 and 6 of the Act respectively.</p>		
Place	Signature.	
Date	Name	

FORM-5*{See section 4 of the Act and rule 15(1)(c)}***Application for seeking prior approval of the National Biodiversity Authority to use the results of research for commercial utilisation by the transferee.**

(1)	Particulars of applicant (Transferee)	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a. NRI b. Non-Indian c. Entity covered under section 3(2) of the Act
(iv)	Address of the applicant (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Turnover of the organization in Indian rupees (applicable if the applicant is an entity)	
(viii)	Authorized representative (applicable if the applicant is an entity) (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(ix)	Contact person in India (If any) (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(2)	Details of the approval obtained from the Authority by the transferor or person from whom results of research are obtained under section 4 and 20 of the Act	
(i)	Name of the person/entity/institution	
(ii)	Postal address including PIN code	
(iii)	E-mail ID, mobile, alternate mobile number and/or landline number	
(iv)	NBA Application number	
(v)	Date of approval	
(vi)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(3)	Brief description about the commercial activity to be carried out by the applicant	
(4)	Expected duration of the commercial utilization	
(5)	Expected outcome and benefits that would flow to India/communities arising out of the commercial utilisation of the obtained results of research	
(6)	Any other information considered relevant	
(7)	Details of remittance of application fee (Mode of payment, transaction ID, amount, date, etc.)	
Declaration		
a. I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.		

b. I/We shall be responsible for any incorrect or wrong information provided.	
Place	Signature.
Date	Name

FORM-6*{See section 4 of the Act and rule 15(1)(d)}*

Application for seeking prior approval of the National Biodiversity Authority to use the results of research for obtaining intellectual property rights by the transferee.

(1)	Particulars of applicant (Transferee)	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a. NRI b. Non-Indian c. Entity covered under section 3(2) of the Act
(iv)	Address of the applicant (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(v)	Profile of the individual/entity	
(vi)	Nature of business (applicable if the applicant is an entity)	
(vii)	Turnover of the organization in Indian rupees (applicable if the applicant is an entity)	
(viii)	Authorized representative (applicable if the applicant is an entity) (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(ix)	Details of the patent attorney/contact person (Postal address including PIN code, e-mail, mobile, alternate mobile number and/or landline number)	
(2)	Details of the transferor from whom the results of the research are obtained	
(i)	Name of the person/entity/institution	
(ii)	Postal address including PIN code	
(iii)	E-mail ID, mobile, alternate mobile number and/or landline number	
(3)	Details of the approval obtained from the National Biodiversity Authority by the transferor or person from whom results of research are obtained under section 4 of the Act	
(i)	NBA Application number	
(ii)	Date of approval	
(iii)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(4)	Details of the invention	
(i)	Title of invention	
(ii)	Abstract/details of the invention	
(iii)	Details of the patent office where the applicant intends to file patent application for the said invention	
(iv)	Whether any intellectual property rights application has been filed in or outside India for the present invention as on date	
(5)	Details of remittance of application fee	

	(Mode of payment, transaction ID, amount, date, etc.)	
(6)	Any other information considered relevant	
Declaration		
<p>a. I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.</p> <p>b. I/We shall be responsible for any incorrect or wrong information provided.</p>		
Place	Signature.	
Date	Name	

FORM-7

{See section 6(1) of the Act and rule 16(1)(a)}

Application for seeking prior approval of the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 3 (2) of the Act.

(1)	Particulars of the applicant	
(i)	Category of the applicant	(Drop-down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant (as in the patent application)	
(iii)	Status of the applicant	(Drop down menu) a. NRI b. Non-Indian c. Entity covered under section 3(2) of the Act
(iv)	Address of the applicant (Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant (applicable if the applicant is an entity) (Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(viii)	Details of the patent attorney/contact person (if applicable) (Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	

(2)	Details of the approval obtained from the National Biodiversity Authority for research under section 3 of the Act						
(i)	NBA application number						
(ii)	Date of approval						
(iii)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority						
(3)	Details of any other organization involved in the research and development activities						
(4)	Details of the invention						
(i)	Title of the Invention						
(ii)	Field of Invention		Drop down (Agro-chemical, biotechnology, chemical, food, pharmaceutical, textile, bio-chemistry, polymer technology, microbiology, bio-medical engineering, agriculture engineering, traditional knowledge biotechnology, traditional knowledge chemical or any other relevant field)				
(iii)	Abstract/details of the invention (in not more than one hundred and fifty words)						
(iii)	Details of the patent office where the applicant intends to file patent application for the said invention		[Names of the countries to be placed in the drop down menu]				
(iv)	Whether any patent application has been filed in or outside India for the present invention as on date		Yes/ No				
(vi)	If answer to (v) is 'Yes', details to be provided:						
	Sl No	Name of the country [Drop down menu]	Patent office in which application has been filed [Drop down menu]	Date of filing of the patent application	Patent application number	Status of the application as on date (Filed/published/ under examination /under hearing/ granted) [Drop down menu]	If granted, patent number and date of grant
(5)	Details of the biological resource accessed/ claimed in the invention				a. Nature of the accessed biological resource(s) (Plant/animal/ microorganism/ fungi/algae and others) [Drop down] b. Common name c. Scientific name (Genus and species/ variety/strain)		

		d. Plant parts (whole plant, seed, stem, bark, leaf, flower, fruit, root, rhizome, etc.) [drop down] e. Source of access (Market/trader/wild/self-cultivated/repository/others to be specified) [drop down] f. Geographical location (village, taluk, district, state). If procured from trader/institute, entity's names, addresses and contact details to be provided. If procured from repository/institution, then origin of collection is to be provided.
(6)	Details of any traditional knowledge associated thereto accessed	
(i)	Details of traditional knowledge associated thereto accessed (<i>in not more than one hundred words</i>)	
(ii)	Name of the holder(s) of the traditional knowledge associated thereto (<i>individual / community</i>)	
(iii)	Address of the traditional knowledge holder (<i>individual/community</i>)	
(iv)	Traditional knowledge associated thereto obtained from any other source	
(6)	Any other information considered relevant	
(7)	Details of remittance of application fee (<i>Mode of payment, transaction ID, amount, date, etc.</i>)	
Declaration		
I/We declare that: <ul style="list-style-type: none"> a. The information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false. b. I/We shall be responsible for any incorrect or wrong information provided. c. Prior approval of the National Biodiversity Authority is mandatory under rule 16 for access to biological resources and knowledge associated thereto while commercializing the patent granted. 		
Place	Signature	
Date	Name	

Form-8

{See section 6(1A) of the Act and rule 16 (2)(a)}

Application for registration with the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 7 of the Act

(1)	Particulars of the applicant	
(i)	Category of the applicant	(Drop down menu) Individual Individual and Entity Entity
(ii)	Name of the applicant (as in patent application)	
(iii)	Status of the applicant	(Drop down menu) Indian Entity covered under section 7 of the Act
(iv)	Address of the applicant (Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant (applicable if the applicant is an entity) (Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(viii)	Details of the patent attorney/contact person (if applicable) (Name with postal address including PIN code, email, mobile and alternate mobile numbers and landline number)	
(2)	Details of the invention	
(i)	Title of the invention	
(ii)	Field of invention	Drop down (Agro-chemical, biotechnology, chemical, food, pharmaceutical, textile, biochemistry, polymer technology, microbiology, biomedical engineering, agriculture engineering, traditional knowledge biotechnology, traditional knowledge chemical or any other relevant field)
(iii)	Abstract/details of the invention (not more than one hundred and fifty words)	
(iv)	Details of the patent office where the applicant intends to file patent application for the said invention	[Names of the countries to be placed in the drop down menu]
(v)	Whether any patent application has been filed in or outside India for the present invention as on date	
(vi)	If answer to (v) is 'Yes', details to be provided:	

	Sl. No.	Name of the country <i>[Drop down menu]</i>	Patent office in which application has been filed <i>[Drop down menu]</i>	Date of filing of the patent application	Patent application number		
(3)	Details of the biological resource accessed/claimed in the invention				Nature of the accessed biological resource(s) (Plant/animal/ microorganism/fungi/algae/others) <i>[Drop down]</i> Common name Scientific name (Genus and species/variety/strain) Plant parts (whole plant, seed, stem, bark, leaf, flower, fruit, root, rhizome, etc.) Source of access (Market/trader/ wild/ self-cultivated/repository/ others) Geographical location (village, taluk, district, state). If procured from trader/institute, entity's name, address, and contact details to be provided. If procured from repository/institution, then origin of collection is to be provided.		
(4)	Details of traditional knowledge accessed, if any						
(i)	Details of traditional knowledge accessed (in not more than 100 words)						
(ii)	Name of the traditional knowledge holder, (individual community)						
(iii)	Address of the traditional knowledge holder (individual/community)						
(iv)	Traditional knowledge associated thereto obtained from any other source						
(5)	Details of any organization involved in the research and development activities						
(6)	Any other information considered relevant						
(7)	Details of remittance of application fee (mode of payment, transaction ID, amount, date, etc.)						
Declaration							
I/We declare that: The information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false. I/We shall be responsible for any incorrect or wrong information provided. I/We shall obtain prior approval of the Authority at the time of commercialization of the patent as per section 6(1B) of the Act and rule 16(3)(a) of the Rules.							
Place Date				Signature Name			

FORM-9*{See section 6(1B) of the Act and rule 16(3)(a)}***Application for seeking prior approval of the National Biodiversity Authority (post registration) for commercialisation of intellectual property rights by persons covered under section 7 of the Act**

(1)	Particulars of the applicant	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant (as in patent application)	
(iii)	Status of the applicant	(Drop down menu) a. Indian b. Entity covered under section 7 of the Act
(iv)	Address of the applicant (Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(v)	Profile of the individual/entity	
(vi)	Nature of business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant (applicable if the applicant is an entity) (Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(viii)	Details of the patent attorney/contact person (if applicable) (Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(2)	Details of the registration made with the National Biodiversity Authority before grant of intellectual property rights	
(i)	NBA registration number	
(ii)	Title of the invention	
(iii)	Details of the patent office/countries in which patents have been granted as on date (Copy of patent certificate issued by the patent office to be uploaded)	[List of countries to be in Drop down]
(iv)	Upload copy of the latest Form-27 submitted with the Indian patent office, if any	
(v)	Whether details of biological resources furnished in the registration and list of biological resources furnished in this application is one and the same or different?	Yes / No.
		If no, furnish the details of biological resources given below: a. Nature of the accessed biological resource(s) (Plant/animal/microorganism/fungi/algae/others) [Drop down] b. Common name c. Scientific name (Genus and species/variety/strain)

		d. Plant parts (whole plant, seed, stem, bark, leaf, flower, fruit, root, rhizome, etc.) e. Source of access (Market/trader/ wild/ self-cultivated/repository/ others) f. Geographical location (village, taluk, district, state). If procured from trader/institute, entity's name, address, and contact details to be provided. If procured from repository/institution, then origin of collection is to be provided.
(3)	Details of commercialisation	
(i)	Details of each country where the invention is sought to be commercialized	i. Name of the country (Drop-down) ii. Patent number iii. Mode of commercialization (Licensing/assignment/self-manufacture/transfer of particular patent rights alone/any other mode) iv. Details of each licensee/assignee/ transferee/ any other person (Names with Postal addresses including PIN code, email, mobile and alternate mobile numbers and/or landline number) v. Period of commercialization (in years) vi. Amount of revenue generated, if any / likely to be generated
(4)	Any other information considered relevant	
(5)	Details of remittance of application fee (Mode of payment, transaction ID, amount, date, etc.)	
<p style="text-align: center;">Declaration</p> <p>I/We declare that: The information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.</p> <p>a. I/We shall be responsible for any incorrect or wrong information provided.</p> <p>b. Prior intimation to the concerned State Biodiversity Board or Union territory Biodiversity Council shall be provided for accessing the biological resource and/or traditional knowledge associated thereto for commercial utilization as per section 7 of the Act.</p> <p>Place: _____ Signature: _____ Date: _____ Name: _____</p>		

FORM-10*{See section 36A of the Act and rule 18(1)}*

Form for declaration of the use of biological resource(s) and/or associated traditional knowledge obtained from any foreign country, in India

Sl.no	Particulars	
(1)	Name of the person or entity	
(2)	Category of the applicant	Individual Individual and Entity Entity
(3)	Status of the applicant	(Drop down menu) Indian NRI

		Non-Indian Entity covered under section 3(2) of the Act Entity covered under section 7 of the Act
(4)	Complete address <i>Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(5)	Details of biological resource used	
(i)	Scientific and common name of the biological resource	
(ii)	Country from where biological resource was/were accessed	
(iii)	Whether the country from which the biological resource were accessed is a Party to Nagoya Protocol	Yes/No (Please tick whichever is applicable)
(6)	Whether approval of the Competent National Authority of the country of origin of biological resource has been obtained	Yes/No [drop down- list of country]
(i)	Details of the ABS-CH Unique Identifier of internationally recognized certificate of compliance (<i>if available</i>).	
(ii)	If the internationally recognized certificate of compliance is not available, the following information may be provided	
	(a) Source of the biological resource	
	(b) Purpose of the utilization of the biological resource	Research Commercial utilization Obtaining intellectual property rights Others
(iii)	Details of patent applications filed, if any	
Declaration		
<p>I/we hereby declare that I/we have complied with the provisions of prior informed consent and mutually agreed terms of the country from where the biological resources have been obtained.</p> <p>I/ we hereby declare and solemnly affirm that the information provided above is true and correct to the best of my knowledge.</p> <p>Place:</p> <p>Date:</p>		
		Signature of the Applicant

FORM-11

{See section 7 of the Act and rule 19(1)}

Application cum format for obtaining certificate origin for cultivated medicinal plants*(to be issued by the Biodiversity Management Committee)*

Unique Identity Number			
(Alpha numeric to be assigned by the BMC)			
CODE: State/District/ Mandal/ Taluk/ Town/ Village/ BMC/ Year/ Company Name / numerical Number			
Sl.no	Particulars	:	To be filled by the applicant
(1)	Name of the Biodiversity Management Committee	: (Village or Town / District / State / Union Territory)
(2)	Name of the applicant	:	
(3)	Complete Address <i>(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	:	
(4)	Name of the species and varieties to be accessed	:	Common name Scientific name (Genus and species/variety/strain, (if known)

		Parts
(5)	Name of the cultivator / farmer	:
(6)	Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number	:
(7)	Geo-coordinates of the cultivated area	:
(8)	Survey number of the land	:
(9)	Extent of area under cultivation of the medicinal plants (in acres)	:
(10)	Approximate quantity of cultivated medicinal plants for which certificates is required	:
(11)	Purpose of access	:
(12)	Period of access	:
(13)	Price of the medicinal plants (per- kg /quintal / tonne/bale)	:

I/we hereby declare and solemnly affirm that the information provided above is true and correct to the best of my knowledge.

Place

Signature

Date

Name

CERTIFICATE

This is to certify that the request made by a company/trader/individual/entity has been carefully examined and the medicinal plants have been physically verified in the field. The information given in the application form has been verified from the concerned books [page no... sl.no.... date....] maintained by the Biodiversity Management Committee.

It is certified that the above mentioned medicinal plants are from the cultivated source and meet the criteria prescribed under section 7 of the Biological Diversity (Amendment) Act, 2023 read with rule 19 of the Rules.

This certificate is valid **up to two years** from the date of issue.

Date:

(Name)

Place:

Signature of the authorized person of the BMC

Seal

FORM-12

{See section 7 of the Act and rule 19(4)}

Format of book containing details of cultivated medicinal plants to be maintained by the Biodiversity Management Committee

.....**Biodiversity Management Committee,..... Panchayat/ Urban Local Body**
(Specify whether area is covered under The Panchayats Extension to Scheduled Areas (PESA) Act, 1996, wherever applicable)

Sl. No.	Full details of farmers/ individuals/ entities including postal address mobile, e-mail, etc.	Geographical location of the area where cultivation is being done including name of area extent, geo co-ordinates, period of cultivation, etc.	Details of cultivated medicinal plants including common and botanical names, period of cultivation, average yield per hectare.	Approx., volume/ Quantity available before issue of certificate [1.wet weight or 2. dry weight]
1	2	3	4	5

Quantity/volume for which present certificate is being issued. [1.wet weight or 2. dry weight]	Quantity/volume remaining after issue of the present certificate (including the extent of area remains to be harvested)	Details of the receiver including complete contact details, purpose of collection	Unique identity number of certificate issued with date	Signed by the Secretary or Chief Executive Officer of the Biodiversity Management Committee and countersigned by the chairperson/ president of urban local body or member of the Biodiversity Management Committee
6	7	8	9	10

FORM-13

{See rule 20(1)}

Application for seeking prior approval of the National Biodiversity Authority for sending or carrying the biological resources outside India by Indian researchers or institutions for conducting non-commercial research or research for emergency purposes

(1) Particulars of applicant	
(i) Category of the applicant	(Drop down menu) Individual researcher Institution
(ii) Name of the applicant and designation	
(iii) Address of the applicant (Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)	
(iv) Name of the institution	
(2) Details of the institution in India	
(i) Name of the institution	
(ii) Address of the institution (Postal address including PIN code, email, mobile and alternate mobile numbers and landline number)	
(3) Name of the supervisor or head of institution at the place of work, in India	
(i) Name of the supervisor or head of institution with complete address	
(ii) Designation of the supervisor or head of institution	
(4) Details of the supervisor or head of the institution or organisation who guides the proposed research or recipient of the biological resources outside India	
(i) Category (individual or institution/organization or person receiving the biological resources)	

(ii)	Name of the supervisor or head of the institution or recipient outside India	
(iii)	Complete address for communication	
(5)	Name and details of the funding agency supporting the research, if any	
(6)	Details of research that are proposed to be carried out	
(i)	Brief description of the research	
(ii)	Role and involvement of foreign researcher/institution in the research, if any	
(iii)	Benefits that would accrue to India and to the researcher through this research	
(7)	Details of biological resources proposed to be carried along or sent for the research	
(i)	a. Common name b. Scientific name c. Nature of biological resource d. Plant parts (<i>seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.</i>) e. Quantity (<i>in number/vial/kg</i>) f. Geographical location (village, taluk, district, state). If procured from trader/institute, trader name, address and contact details to be provided. If procured from repository/ institution, then origin of collection is to be provided.	
(ii)	Expected duration of research to be conducted outside India	
(8)	If it is for emergency purpose, please specify the details	
<p style="text-align: center;">Declaration</p> <p>I, son/daughter/wife/husband of _____ aged _____ residing at _____ (full address) in holding a permanent ID Number (Aadhaar card/passport ,etc.) hereby declare that all the information provided above is correct and true.</p> <p>I hereby affirm that the biological resources shall be used only for the purposes as stated in the application.</p> <p>I shall not share/provide/part with/ leave behind any biological resource at my collaborator's facility/ laboratory without the approval of the National Biodiversity Authority.</p> <p>I, along with my supervisor and collaborator, individually and severally declare that we shall not put to commercial utilisation, nor shall seek any intellectual property rights claim based on the biological resources and traditional knowledge associated thereto used in this research.</p> <p>In case such a situation arises, we shall apply to the National Biodiversity Authority to seek prior approval. Results, process, products, or other outcomes arising out of this activity shall be shared with the National Biodiversity Authority during and upon completion of research intended along with copies of the relevant documents and publications.</p> <p>Signature:</p> <p>Date:.....</p> <p>Place:</p> <p>Declaration by the Supervisor/Head of Institution</p> <p>I, working as in(Name of institution) confirm that the details provided by Mr/ Dr/ Mrs/ Ms. Are true and correct.</p>		

Date:.....

Place:.....

Signature:.....

Designation:.....

Official Seal:.....

Declaration by the Recipient/Collaborator

I, working as in (Name of institution/ Organisation) hereby affirm that I or my institution/ organisation shall use the biological resources that were sent by (Name of the institution) or being brought by Mr./Dr./Mrs./Ms for the purposes as stated in the application and the said biological resources shall be destroyed in full after the completion of the studies or upon completion of the studies the biological resources shall be sent back to the institution from where the biological resources were received as the case maybe, or as decided by the National Biodiversity Authority. I, or the institution I am associated with, shall not claim any ownership under instant application nor shall claim any intellectual property rights over the biological resources, derivatives or other such components without prior approval of the applicant, institution affiliated and the National Biodiversity Authority.

Signature:.....

Designation:.....

Official Seal

FORM-14*{See section 50 of the Act and rule-22(1)}***Form of Memorandum of Appeal**

BEFORE THE _____ MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY (as the case may be)

(Memorandum of appeal under section 50 of the Biological Diversity Act, 2002)

Appeal No. _____ of 20

Appellant

Vs.

Respondent(s) (*here mention the name and details of the Authority/Board/Council, as the case may be*)

The appellant wishes to prefer this memorandum of appeal against the order dated _____ passed by the respondent on the following facts and grounds:

1. FACTS:

(Here briefly mention the facts of the case):

2. GROUND:

(Here mention the grounds on which the appeal is being made) :

i)

ii)

iii)

3. RELIEF SOUGHT:

i)

ii)

iii)

4. PRAYER:

a) In the light of information given above, the appellant respectfully prays that the order/ decision of the respondent be quashed/set-aside.

b) The policy/guidelines/regulations framed by the respondent be quashed/modified/ annulled to the extent

Signature of the appellant

with seal

Address:

Place: _____

Dated: _____

VERIFICATION

I , the appellant do hereby declare that the information above is true to the best of my knowledge and belief.

Verified on ____day of_____.

Signature of the appellant With Seal

Address

Signature of the Authorised representative of the appellant

Enclosures: 1. Upload an authenticated copy of the order/direction/policy decision against which the appeal has been preferred.

FORM –15*{See section 50 of the Act and rule 22(4)}***FORMAT OF NOTICE FOR APPEARING FOR HEARING**

BEFORE THE _____ MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
NEW DELHI

OR

National Biodiversity Authority (as the case may be)

Appeal No. _____ of 20

Between :

_____ Appellant(s)

Vs.

_____ Respondents(s)

NOTICE

Please take notice that the above appeal filed by the appellant, against the order/direction/policy decision (give details) is fixed for hearing on _____ at _____

The copies of the appeal memorandum and other annexures filed along with the appeal are attached herewith for your reference.

Please note that if you fail to appear on said date (or other subsequent date as fixed) of hearing of the appeal, the appeal would be disposed of finally as *ex-parte*.

Authorised signatory on behalf of the Appellate Authority (Seal)

Date:

Place:

FORM- 16*{See section 61(b) of the Act and rule 24(19)(b)}***FORMAT OF NOTICE BY ANY PERSON/BENEFIT CLAIMER**

By registered post with acknowledgement due

From

Shri _____

To,

Sub: NOTICE UNDER SECTION 61(b) OF THE BIOLOGICAL DIVERSITY ACT, 2002

Whereas an offence under the Biological Diversity Act, 2002 has been committed/is being committed by.....

2. I/We hereby give notice of thirty days under section 61(b) of Biological Diversity Act, 2002-of my/our intention to file a complaint in the court against for violation of the provisions of the Act.

3. In support of my/our notice, I am/we are enclosing herewith the following documents as evidence of proof:

- 1.....
- 2.....
- 3.....

Place:_____

Dated:_____

Signature

EXPLANATION:

- (1) In case the notice has to be given in the name of a company, documentary evidence authorising the person to sign the notice on behalf of the company shall be enclosed with the notice.
- (2) Name and address of the alleged offender needs to be given. In case of use of biological resource/traditional knowledge/doing research/bio-survey and bio-utilisation/obtaining intellectual property right/patent without the approval of the Authority, the details thereof and the commercial utilisation, if any, that has occurred, may be furnished.
- (3) Documentary evidence shall include photograph(s), technical report(s), etc., for enabling enquiry into the alleged violation/offence.

[F. No. CS-C12018/3/2020-CS-III]

RAGHU KUMAR KODALI, Scientist 'G'

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಅಫೀಫಾ ಉಸ್ತಾನಿ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-04

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 33 ಕೇನಿಪು 2024

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03.01.2025.

ದಿನಾಂಕ: 29.10.2024 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Inland Vessels (Central Database and
Allied Matters) Rules, 2024ರ Notification-GSR 670(E)ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರುಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

NOTIFICATION

New Delhi, the 29th October 2024

G.S.R. 670(E).—Whereas draft of the Inland Vessels (Central Database and Allied Matters) Rules, 2024 were published, as required under sub-section (1) of section 106 of the Inland Vessels Act, 2021 (24 of 2021), *vide* notification of the Government of India in the Ministry of Ports, Shipping and Waterways number G.S.R. 333 (E), dated the 18th June, 2024, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 18th June, 2024, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas copies of the said notification were made available to the public on 18th June, 2024;

And whereas no objections and suggestions were received from the public in respect of the said draft rules by the Central Government;

Now, therefore, in exercise of the powers conferred under clause (f) of section 3, section 22, clauses (a), (o) and (zza) of sub-section (2) of section 106 and section 108 of the Inland Vessels Act, 2021 (24 of 2021), the Central Government hereby makes the following rules, namely. -

1. Short title and commencement. — (1) These rules may be called the Inland Vessels (Central Database and Allied Matters) Rules, 2024.
(2) They shall come into force on the date of their publication in Official Gazette.
2. Definitions. — (1) In these rules, unless the context otherwise requires, —
 - (a) “Act” means the Inland Vessels Act 2021 (24 of 2021);
 - (b) “nodal office” means office designated by the competent authority;
 - (c) “nodal officer” means any officer appointed by the competent authority to administer the nodal office and to perform duties under rule 5;
 - (d) “portal” means a web or electronic based system set up and maintained by the nodal officer and the officers or persons appointed under sub-rule (4) of rule 5 for,—

- (i) facilitating the processes relating to survey and registration of vessels, issuance of certificates in respect of vessels and the issuance of certificates of competency to the crew;
 - (ii) preserving, retaining and granting access to machine readable, printable, shareable, verifiable and secure electronic records;
 - (iii) maintaining a repository of electronic records containing all particulars pertaining to vessels registered;
 - (iv) maintaining a repository of electronic records containing all details and data of the certificates of competency issued to the crew;
 - (v) maintaining a repository of electronic records containing all details and data of reception facilities and
 - (vi) such other data
- (e) “third party access” means access of central database in accordance with these rules, by any owner of vessel or authorised representatives of the owner of vessel or ship manager or crew or training institutes or ship designer or classification societies or ship builder or service provider or but does not include administrative or statutory authorities under the Act or the rules.
- (2) Words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act.
3. Form of central database. - The central database referred to in clause (f) of section 3 of the Act shall contain the following data and details in electronic form, namely—
- (i) application for conducting survey of vessel;
 - (ii) declaration to be issued by the surveyor;
 - (iii) record of equipment and vessel information;
 - (iv) application for provisional certificate of survey;
 - (v) provisional certificate of survey;
 - (vi) survey certificate of category A, B and C vessel;
 - (vii) particulars to be furnished for survey of new vessel which is to be surveyed for the first time;
 - (viii) official log book for an inland mechanically propelled vessel;
 - (ix) application for change of name of the vessel on certificate of survey, as contained in form 1 to 9 of the Inland Vessels (Survey and Certification) Rules, 2022;
 - (x) Book of registration of vessels and application for registration, declaration of ownership, appointment of date and time of inspection of the inland vessel by the registering authority;
 - (xi) carving and marking note, application regarding registration, application for transfer of registry, instrument creating, transfer or discharge of mortgage, application for issuance of provisional certificate of registration as contained in Forms 1 to 13 of the Inland Vessels (Registration and other technical issues) Rules, 2022;
 - (xii) certificates of competency issued to crew, medical certificate for appearing for certificate of competency, certificate of service, application form for appearing in certificate of competency, as contained in Forms 1 to 3 of the Inland Vessels (Manning) Rules, 2022;
 - (xiii) certificate of compliance for prevention and containment of pollution, as contained in Third Schedule of the Inland Vessels (Prevention and Containment of Pollution) Rules, 2022, certificate of insurance as contained in Form 2 of the Inland Vessels (Insurance, Limitation of Liability and Obligations of Service Providers and Service Users) Rules, 2022;
 - (xiv) data and details of reception facilities: and
 - (xv) such other data as may be directed to be included by the competent authority
4. Powers to issue directions. - The competent authority shall issue directions regarding the qualifications, criteria and other terms and conditions for selection and appointment of nodal officer for the purposes of these rules.
5. Duties of nodal officer. - (1) The nodal officer shall monitor, administer and maintain the central database and shall ensure that the information duly recorded and available in the web portal is secured and functional.
- (2) The nodal officer shall be responsible for collecting the data and details from the designated authorities of each State under rule 9.

(3) A report of performance and data received from the designated authorities under rule 9 shall be provided by the nodal officer to the competent authority at such regular intervals, as may be directed by the competent authority.

(4) The nodal officer after prior permission of the competent authority for the purposes of performing the duties under sub-rule (1), may appoint officers or persons, who are experts in the field of information technology, data handling and protection and software or hardware development. Such appointment shall be made in accordance with the guidelines, terms and conditions as mandated by the Central Government from time to time.

(5) The nodal officer shall provide for training of officers or persons appointed under him to ensure appropriate utilisation of the database and the management of information contained therein, and shall also provide training of officials of designated authorities, other sub-ordinate officers and stakeholders on database and management of information.

(6) The nodal officer and the officers or persons appointed under sub-rule (4) of rule 5, in order to maintain the central database shall —

- (i) ensure the integrity, security, standards and quality of data;
- (ii) ensure scalability and performance optimisation;
- (iii) make sufficient mechanisms for backup and recovery;
- (iv) ensure consistency of data;
- (v) maintain documentation and metadata;
- (vi) ensure performance monitoring and optimisation;
- (vii) ensure compliance with relevant data protection regulations such as General Data Protection Regulation (GDPR), Payment Card Industry Data Security Standard (PCI DSS), Ministry of Electronics and Information Technology (MeitY) Guidelines;
- (viii) ensure change management and regular maintenance; and
- (ix) comply with standard operating procedures and guidelines for maintenance of the database, as may be issued by the competent authority from time to time.

6. Standards and procedures for maintaining the central database. - (1) Subject to the provisions of rule 5, the nodal officer shall ensure that the following standards and procedures are implemented for maintaining the database, namely: -

- (i) managing the database properly;
- (ii) identification of individuals or teams responsible for data quality, integrity, and security;
- (iii) defining processes for data creation, storage, retrieval, and archiving or deletion;
- (iv) defining roles such as admin, user, guest and specify access rights for each role;
- (v) implementation of secure login mechanisms and determine who can access what data;
- (vi) ensure logging of all database activities for traceability and accountability;
- (vii) performing frequent backups and updates;
- (viii) defining retention policies for backup data to ensure compliance and optimise storage usage;
- (ix) forming a dedicated database to keep the data intact and secured;
- (x) recording the details as mandated under clause (f) of section 3, sub-section (3) of section 41 of the Act or rules made thereunder;
- (xi) providing source of information or data that has been recorded, maintained and available for verification by authorities concerned;
- (xii) providing user manual, restrictions, procedures and terms and conditions of accessibility to administration or third-party access;
- (xiii) assigning registration of accounts, user identity and passwords for user interface;
- (xiv) providing procedures for uploading of information;
- (xv) providing privacy policies, liabilities and copy rights;
- (xvi) updating the database periodically;
- (xvii) maintaining history of searches;
- (xviii) providing necessary disclaimers;
- (xix) scheduling routine maintenance tasks such as database optimisation, patch management, and software updates;
- (xx) utilising collaboration platforms for effective communication among database stakeholders;
- (xxi) establishing channels for users to provide feedback and suggestions for database improvement;

- (xxii) conducting regular reviews of database guidelines, policies, and procedures to address evolving needs and technologies;
- (xxiii) continuous improvement by soliciting feedback and incorporating lessons learned from past experiences; and
- (xxiv) scanning of legacy data and uploading in central database.
- (xxv) such other matters as may be directed to be included by the competent authority from time to time;
- (2) The users of the central database shall ensure that use or search is fully in conformity with the standards and procedures provided under these rules.
7. Accessibility: - (1) The concerned officials of Central Government, Competent Authority, Designated Authorities, or officials of State Government shall have complete access to the central database;
- (2) The nodal officer and the officers and persons appointed by the nodal officer under sub-rule (4) of rule 5, shall have complete access to the database.
- (3) Notwithstanding anything in sub-rule (1) & sub-rule (2), in compliance with terms and conditions issued by the competent authority, limited third party access to generic data may be provided.
- (4) Owners of vessels shall have access only to the information relating to the vessels owned by them.
- (5) Crew shall have limited access only to their profiles.
- (6) Training institutes shall have access to their own institute data.
8. Confidentiality: - (1) Any information obtained from the search on the central database shall be treated as confidential and shall not be disclosed except for a purpose declared as permitted by the competent authority.
- (2) For the purpose of this rule, competent authority may, by directions, provide for such terms and conditions subject to which information could be disclosed by the user.
9. Duty of the designated authority. –
- (1) The designated authority of each State shall be responsible for providing the data and details contained in rule 3 to the nodal officer in electronic format at regular intervals of not more than thirty days.
- (2) The designated authority of each State shall be responsible for creating new electronic records in real time of the data and details contained in rule 3.

[F. No. IWT-11011/114/2021-IWT]

Dr. KAMALA KANTA NATH, Adviser (Statistics)

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಅಭೀಘಾ ಉಸ್ತಾನಿ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-05

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 34 ಕೇನಿಪು 2024

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03.01.2025.

ದಿನಾಂಕ: 29.10.2024 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Telecommunications
(Amateur Services) Rules, 2024ರ Notification-GSR 675(E)ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರುಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 29th October, 2024

G.S.R. 675(E).— Whereas a draft of the Telecommunications (Amateur Station Operator) Rules, 2024, which the Central Government proposes to make in exercise of the powers conferred by section 47 read with clause (zi) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), was published as required by sub-section (1) of section 56 of the said Act *vide* notification of the Government of

India in the Ministry of Communications, Department of Telecommunications number G.S.R. 447(E), dated the 24th July, 2024, in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) dated the 24th July, 2024, inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas copies of the said Official Gazette were made available to the public on the 25th July, 2024;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 47 read with clause (zi) to sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), and in supersession of the Indian Wireless Telegraphs (Amateur Service) Rules, 1978, except as respects things done or omitted to be done before such supersession and without overriding the terms and conditions of existing arrangements under those rules till the date of expiry of such arrangements, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement. – (1) These rules may be called the Telecommunications (Amateur Services) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. – (1) In these rules, unless the context otherwise requires, -

- (a) “Act” means the Telecommunications Act, 2023 (44 of 2023);
- (b) “amateur radio equipment” means a radio equipment required for operating an amateur station;
- (c) “amateur services” means radio communication services for the purpose of self-training, intercommunication and technical investigations carried out by an amateur, that is, by a duly authorised person interested in radio technique, solely with a personal aim and without any pecuniary interest;
- (d) “amateur station” means a radio station operated by an amateur for amateur services;
- (e) “Amateur Station Operator Certificate” or ASOC, means the ASOC (General) or the ASOC (Restricted), as specified under sub-rule (2) of rule 3, and an “ASOC holder” means the person who has been granted such certificate under sub-rule (1) of rule 6;
- (f) “International Telecommunication Convention” means the Convention of the International Telecommunication Union signed at Geneva in 1992 or any subsequent revision or modification thereof, which the Government of India has ratified or accepted;
- (g) “portal” means the portal to be notified by the Central Government under rule 15 of these rules; and
- (h) “Radio Regulations” means the regulations adopted by the World Radiocommunication Conference (Geneva 1995) and includes every revision or modification thereof, which the Government of India has ratified or accepted;

(2) Words and expressions used and not defined herein but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Scope. – (1) No person shall install or operate an amateur station except under and in accordance with the terms and conditions of an ASOC granted under these rules.

(2) There shall be the following two categories of ASOC, which may be granted by the Central Government under sub-rule (1) of rule 6, namely,-

- (a) Amateur Station Operator Certificate- General, or ASOC (General); and
- (b) Amateur Station Operator Certificate- Restricted, or ASOC (Restricted).

4. Eligibility conditions for obtaining an Amateur Station Operator Certificate. – (1) The ASOC (General) or the ASOC (Restricted), as the case may be, shall be granted under sub-rule (1) of rule 6 to

any person, being a citizen of India, who,-

(a) is not less than twelve years of age; and

(b) qualifies the examination specified under rule 5 for the grant of an ASOC:

Provided that the Central Government may, subject to administrative clearance and such terms and conditions as it may specify from time to time, permit a person, not being a citizen of India, to undertake the examination under rule 5 for consideration of the grant of an ASOC, or grant him such certificate, subject to the provisions of sub-rule (2).

(2) The Central Government may, subject to the terms and conditions and administrative clearance of the Ministry of External Affairs, permit any person, not being citizen of India, who holds a certificate issued by a competent authority of that country similar to that granted under rule 6, to apply for grant of ASO Certificate under these rules, in the form as may specified for this purpose in the portal along with a fee of one thousand rupees.

(3) The Central Government may specify the list of countries, the certificates granted by which, may be considered for grant of ASOC under sub-rule (2).

5. Amateur station operator examination. – (1) Any person satisfying the eligibility criteria set forth under rule 4, as may be applicable, may make an application for appearing in the amateur station operator examination for obtaining the ASOC, to the Central Government, in the form specified for this purpose in the portal, one month before the date of such examination.

(2) An application under sub-rule (1) shall be accompanied by examination fee of one hundred rupees.

(3) The Central Government shall publish the syllabus, place, manner, date and time for the examination for obtaining the ASOC in either category as specified under sub-rule (2) of rule 3, including the date of announcement of the results of such examination.

(4) The language of such examination shall be English, and examination for ASOC (General) shall also require such proficiency in Morse Code as may be specified by the Central Government.

(5) The successful completion of the examination under this rule shall require a minimum of forty per cent of the total marks in respect of each category of ASOC.

6. Grant and validity of the Amateur Station Operator Certificate. – (1) The Central Government shall, upon successful completion of the examination under rule 5, issue any of the following categories of certificate, as applied for, along with unique call signs for amateur station operators, subject to payment of fees as specified below,-

Category of certificate	Fees
ASOC (General)	(i) One thousand rupees for validity period of twenty years; (ii) Two thousand rupees for lifetime validity.
ASOC (Restricted)	

Explanation. - For the purposes of this sub-rule, the expression “lifetime” means till the ASOC holder attains the age of eighty years.

(2) On successful completion of the examination by the applicant, payment for the grant of ASOC of either category shall be made within a period of two years from the date of declaration of results of the examination under rule 5, failing which no certificate shall be granted to such applicant:

Provided that such applicant, who becomes ineligible for grant of ASOC may apply for reappearing in the examination referred to in rule 5 for grant of the said certificate.

(3) In respect of applications for grant of ASOC under sub-rule (2) of rule 4, the Central Government may, after consideration of such applications, grant an ASOC for a duration that is co-terminus with the duration of the visa of such person, or for a period of twelve months, whichever is lesser.

7. General conditions applicable to an amateur station operator. – (1) An ASOC holder shall operate amateur stations on such frequency bands and emissions and transmit power as specified by the Central

Government in respect of each category of ASOC, and the holder of ASOC (General) shall be permitted use of more emission types and higher power as may be specified in his ASOC, than the holder of ASOC (Restricted).

- (2) Every amateur station shall be installed and operated at the location specified in the ASOC in accordance with,-
 - (a) the provisions of the Act and any rules made thereunder, as may be applicable;
 - (b) the terms and conditions specified in Annexure A to these rules; and
 - (c) the provisions of the International Telecommunication Convention or Radio Regulations.
- (3) An ASOC holder shall not require a separate authorisation for the import of amateur radio equipment.
- (4) The Central Government may modify, vary, cancel or revoke any of the conditions of the ASOC at any time either by specific notice in writing to the ASOC holder, or by uploading the said notice in the portal.
- (5) The ASOC holder shall not claim any expense to give effect to any variations in the conditions of the ASOC as may be notified by the Central Government.
- (6) The ASOC holder may apply for issuance of a duplicate of his ASOC or apply to change the location of the amateur station, upon payment of fees of one thousand rupees.
- (7) The ASOC holder shall provide radio communication services in amateur services frequency band, at the request of the Central Government, or a State Government, or any officer specially authorised in this behalf by the Central Government or a State Government, during natural calamities and disasters, without any fees or charge.
- (8) The ASOC holder may be permitted to install and operate an amateur station on board a ship registered in India, upon placing a specific request in the form as may be specified for this purpose in the portal, by the Central Government.

- 8. Renewal of Amateur Station Operator Certificate.** – (1) An ASOC holder may apply for renewal of his ASOC by making an application in the form specified for this purpose in the portal, at least twelve months prior to the date of expiry of such certificate, along with payment of fees as specified in sub-rule (1) of rule 6:

Provided that any application for renewal after the expiry of such time period and up to two years after the date of such expiry, may be made upon payment of late fees of one thousand rupees:

Provided further that no application for renewal shall be considered if received after two years from the date of expiry of the ASOC.

- (2) An ASOC with lifetime validity may be extended for ten years at a time, without any additional fees, upon specific request made by the ASOC holder in the form specified for this purpose.

- 9. Suspension or cancellation of ASOC.** – The Central Government may suspend or cancel an ASOC, if in its opinion, the ASOC holder has, -

- (a) failed to comply with the terms and conditions of the ASOC granted under these rules, or the rules applicable in respect of operation of radio equipment, or any other provision of the Act; or
- (b) failed to comply with the applicable provisions of the International Telecommunication Convention or the Radio Regulations; or
- (c) wilfully furnished incorrect or false information to the Central Government:

Provided that no order of suspension or cancellation under this rule shall be made unless the ASOC holder has been given a reasonable opportunity of making a representation and being heard against such suspension or cancellation.

- 10. No refund of fees.** – No compensation or refund of fees shall be applicable as a result of any suspension or cancellation of the ASOC for any reason whatsoever, or for any modification, variation, cancellation or revocation of terms and conditions of the ASOC.

11. Transfer or surrender of ASOC. – (1) The ASOC shall be non-transferable.

(2) The ASOC holder shall be permitted to surrender such ASOC at any point of time, provided that no refund of fees shall be granted for such surrender.

12. Use of ASOC for activities of an amateur society. – (1) A group, comprising a minimum of four ASOC holders may submit an application in the form specified for this purpose in the portal, and payment of fees of two thousand rupees, to form an amateur society, for the purpose of installation and operation of an amateur station.

(2) The application under sub-rule (1) shall specify one of the applicant ASOC holders as the custodian of the proposed amateur society and any change of custodianship of such amateur society to any other ASOC holder within such society, shall, within a period of thirty days of such change, be communicated to the Central Government in such form as may be specified for this purpose in the portal.

(3) Upon receipt of the application under made sub-rule (1), the Central Government may grant permission subject to such terms and conditions as it may specify for the amateur society, along with a unique call sign, which shall be valid for a period of twenty years, or co-terminus with the validity of the ASOC of the custodian of such amateur society, whichever is lesser.

(4) If any of the applicant under sub-rule (1) leaves the amateur society, the same shall be communicated within a period of thirty days from the date of leaving such society to the Central Government in the form specified for this purpose in the portal.

(5) The permission granted under this rule shall continue to remain valid so long as at least four of the applicant ASOC holders under sub-rule (1) continue as members of the amateur society.

13. Issue of special call signs for specific events. – (1) The Central Government may assign a special call sign for a specific event to ASOC holders and to the amateur societies constituted under rule 12, on receipt of an application in such form as may be specified for this purpose in the portal, and on payment of fees of two hundred rupees.

(2) The application referred to in sub-rule (1) may be submitted at least ninety days before the specific event.

(3) A special call sign assigned under sub-rule (1) shall be valid for a period of ninety days from the date of commencement of the specific event:

Provided that where the specific event extends beyond the said period of ninety days, the ASOC holder or the amateur society may apply for the special call sign by making a fresh application under sub-rule (1).

14. Inspection of records and calling for information. – It shall be the duty of every ASOC holder to produce for inspection, records, as well as, amateur radio equipment, and to give any other information in connection therewith as may be required by an officer authorised for this purpose by the Central Government.

15. Digital implementation of these rules. – The Central Government shall, in furtherance of section 53 of the Act, notify a portal for the digital implementation of these rules, including for submission of applications, publication of syllabus, place, manner, date and time of examination, declaration of results of examinations, and grant of ASOC and other permissions as specified under these rules.

Annexure A

(See rule 7(2)(b))

Terms and conditions for the installation and operation of amateur station

1. Use of the amateur station. - The amateur station may be used for the purpose of receiving transmissions in the Standard Frequency and Time Signal Service to facilitate operation of the amateur station within the authorised frequency bands.

2. Messages. - (1) (a) Radio communications may be exchanged with other authorised amateur stations. The amateur stations shall not communicate with amateur stations of countries whose administrations have notified the International Telecommunication Convention of their objection to such radio communications;

(b) Transmissions shall be made in plain language and limited to messages of a technical nature.

(2) The authorised entity shall not transmit messages containing, -

- (a) reproduction of broadcast programmes, tape recordings or transmissions of entertainment value or music;
- (b) false or misleading calls, signals, news, advertisements, communications of business, statements on topics of political or industrial controversy, or third party messages; or
- (c) use of indecent, obscene, offensive language, or signals.

(3) In case of failure of normal telecommunication facilities, an ASOC holder maybe permitted by the Central Government or State Government to handle third party messages pertaining to natural or manmade calamities, originating from and addressed to a competent civil authority namely, District Magistrates or Deputy Commissioners or Collectors of the district or any other officer authorised by them.

3. Frequencies, emissions and power. - The amateur station shall be operated on frequencies that are within the frequency bands authorised to respective categories of certificates and on such classes of emissions and power as specified by the Central Government.

4. Frequency control and measurement. - (1) The transmitting apparatus shall be tuned as accurately as possible to ensure that no energy is radiant on any frequency outside the limits of the authorised frequency bands.

(2) The ASOC holder shall have at the authorised amateur station, a reliable frequency measuring equipment to verify, each time the frequency of the transmitter is changed and whenever it is necessary to check that the emissions in the transmitted frequency, are within the authorised frequency bands. The ASOC holder shall take all steps necessary to maintain the accuracy of the frequency measuring equipment.

(3) The Standing Advisory Committee for Frequency Allocation (SACFA) clearance shall be required for an amateur station, as applicable.

5. Non-Interference. - (1) The amateur station shall be so designed, constructed, erected, maintained and worked so as not to cause interference with any authorised radio communication service.

(2) In the event of interference being caused by the station, the ASOC holder shall discontinue, or restrict transmissions, pending adjustment of the equipment, on request from the Central Government or any land station.

(3) The ASOC holder shall not use such emissions (damped waves) as may be specified by the Central Government.

6. Log diary of the radio service. - (1) A chronological record of all transmissions emanating from or received at the amateur station shall be kept in bound book (not loose-leaf) showing the following, namely: -

- (a) date and time of each transmission;
- (b) summary of the communications exchanged;
- (c) brief description of the experiments and tests undertaken;
- (d) call sign of station or stations with which messages have been exchanged, times and type of emission employed in each case;
- (e) time of opening and closing down the amateur station; and
- (f) in case of portable or mobile amateur station, the particulars of temporary location.

(2) All times in the log shall be stated in the Indian Standard Time.

(3) No gaps shall be left between entries in the log, and they shall be made at the time of receiving and transmitting.

(4) ASOC holder shall preserve the log for a period of one year from the date of last entry therein before it

Provided that no log shall be destroyed for such further period as the Central Government may direct.

- (2) The amateur radio equipment and other accessories used or intended to be used by the ASOC holder shall be so arranged as not to endanger the safety of any person or interrupt any services.
- (3) The amateur radio equipment shall be kept in a safe condition and housed in such manner as to preclude access to unauthorised persons.
- (4) Each ASOC holder shall maintain records of amateur radio equipment used by such holder in the form specified below:

S. No.	Particulars of Apparatus			Name and address of the person from whom received (in case assembled by Authorised entity write self-made)		Date of Receipt or assembly
	Make	Model and Type	Serial No.			
(1)	(2)			(3)		(4)
In case of purchase, give receipt no. and indicate the certificate no. of the seller	Name and address of the person to whom sold or transferred			Date of sale or transfer	Particulars of the certificate issued in the name of the purchaser	Remarks
(5)	(6)			(7)	(8)	(9)

9. General radiocommunication procedure. - (1)(a) Before transmitting, the station shall take precautions to ensure that its emissions will not interfere with transmissions already in progress. If such interference is likely, the transmission shall not commence till there is an appropriate break in the communications in progress.

(c) Prolonged calls and transmissions shall be avoided.

(d) When it is necessary to spell out call sign, certain expressions, difficult words, abbreviations, figures etc., the phonetic alphabet and figure code given in the International Telecommunication Convention shall be used.

(2) **Call and Reply Procedure:**

(a) The call shall consist of the call sign of the station called not more than three times; the word DE (in case of Morse transmission) and the words "This is" (in case of telephony), the call sign of the calling station, not more than three times.

(b) The reply to call shall consist of - the call sign of the calling station not more than three times; the word DE (in case of a Morse transmission) and the words "This is" (in case of telephony), the call sign of the station called, not more than three times.

- (c) The call may be sent three times at intervals of two minutes; thereafter it shall not be repeated until an interval of 10 minutes during which the operator shall listen in the frequency band in which the call has been made.
- (d) In case of general call to all stations the signal 'CQ' (in case of radiotelegraphy) and the words 'Hello all stations' or the signal 'CQ' (in case of radiotelephony) shall replace the call sign of the station called in the calling procedure.

(3) End of Transmission and Work:

- (a) Transmission of a message shall be terminated by the signal AR (in case of Morse transmission) and the word 'Over' (in case of telephony).
- (b) The end of work between two stations shall be indicated by each of them by means of signal VA (in case of Morse transmission) and by the word 'OUT' (or VA spoken as Victor Alfa) in case of radiotelephony.

(4) Tests:

- (a) When it is necessary to make test signals either for the adjustment of a transmitter or a receiver or for any experiment, such signals shall not be continued for more than 30 seconds and shall be composed of series of VVV followed by the call sign of the station emitting the test signals. In case of radiotelephony, series of VVV shall be replaced by the figures 1,2,3,4... spoken in the figure code.
- (b) For tests exceeding 30 seconds, an artificial aerial shall be used.
- (c) The ASOC holder shall not emit carrier wave unless such carrier wave is subjected to intelligible modulation.

10. Inspection. - (1) Any officer authorised by the Central Government in writing, to carry out an inspection, may inspect, examine, or test any apparatus, and the ASOC holder shall produce the certificate, the station log or other records for examination by the inspecting officer.

(2) The ASOC holder when called upon to do so by the Central Government shall arrange to forward the certificate, the log book, or any other record or data for examination by the Central Government.

The ASOC holder shall indemnify the Central Government against all actions, claims and demands which may be brought or made by any person in respect of any injury arising from any act permitted by the certificate.

[No.24-09/2024-UBB]

DEVENDRA KUMAR RAI, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಅಭೀಘಾ ಉಸ್ತಾನಿ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-06

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 35 ಕೇನಿಪು 2024

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03.01.2025.

ದಿನಾಂಕ: 06.12.2024 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Telecommunications
(Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024ರ
Notification-GSR 754(E)ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ
ಮರುಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF COMMUNICATIONS**(Department of Telecommunications)****NOTIFICATION**

New Delhi, the 6th December, 2024

G.S.R. 754(E).—Whereas a draft of the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024, which the Central Government proposes to make in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (4) of section 20 read with clauses (t) and (u) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), was published as required by sub-section (1) of section 56 of the said Act *vide* notification of the Government of India in the Ministry of Communications, Department of Telecommunications number G.S.R. 522(E), dated the 28th August, 2024, in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated the 28th August, 2024, inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas copies of the said Official Gazette were made available to the public on the 29th August, 2024;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (4) of section 20 read with clauses (t) and (u) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), and in supersession of rules 419 and 419A of the Indian Telegraph Rules, 1951, except as respects things done or omitted to be done before such supersession and without overriding the terms and conditions of existing orders relating to interception of messages under those rules, which shall continue to apply till the date of expiry of the time period for interception, as specified in such order, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement. – (1) These rules may be called the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. – (1) In these rules, unless the context otherwise requires, –

- (a) “Act” means the Telecommunications Act, 2023 (44 of 2023);
- (b) “authorised agency” means the law enforcement or security agency authorised by the Central Government for the purposes of these rules;
- (c) “competent authority” means the Union Home Secretary in the Ministry of Home Affairs in the case of the Central Government, or the Secretary to the State Government in-charge of the Home Department in the case of a State Government;
- (d) “interception order” means an order for interception of a message or class of messages under clause (a) of sub-section (2) of section 20 of the Act, issued under rule 3 of these rules;
- (e) “review committee” means the committee constituted under rule 5 of these rules; and
- (f) “telecommunication entity” shall have the same meaning as assigned to it in clause (g) of sub-rule (1) of rule 2 of the Telecommunications (Telecom Cyber Security) Rules, 2024.

(2) Words and expressions used in these rules and not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Interception of message or class of messages by authorised agencies. – (1) The Central Government may, by an order, specify one or more authorised agencies to intercept or receive any message or class of messages pursuant to an interception order, for the reasons specified under sub-section (2) of section 20 of the Act.

(2) The competent authority may, through an interception order, direct interception of any message or class of messages:

Provided that in unavoidable circumstances, such order may be made by an officer, not below the rank of a Joint Secretary to the Central Government, who has been duly authorised for this purpose by the competent authority.

(3) Where it is not feasible for the competent authority or such other officer specified under the proviso to sub-rule (2) to issue an interception order in remote areas or for operational reasons, then the interception order may be issued by the head or the second senior most officer of the authorised agency at the Central level, and head or the second senior most officer of the authorised agency not below the rank of Inspector General of Police at the State

level, and the following provisions shall apply in such cases, -

- (a) a copy of such interception order shall be submitted within three working days of the date of its issuance to the competent authority, and the competent authority shall, if it considers appropriate, confirm such order within a period of seven working days from the date of issue;
- (b) if the competent authority does not confirm such interception order within seven working days from the date of issue -
 - (i) such interception shall forthwith cease;
 - (ii) any messages intercepted shall not be used for any purpose, including as evidence in a court of law; and
 - (iii) copies of messages intercepted pursuant to such order shall be destroyed within two working days, and confirmation of the same shall be submitted in writing to the competent authority.
- (4) In case of non-confirmation of interception orders by the competent authority under sub-rule (3), the same message or class of messages shall not be intercepted by the authorised agency, without an interception order by the competent authority.
- (5) Any interception order issued under sub-rule (2) or confirmed by the competent authority under sub-rule (3) shall be submitted to the relevant review committee at the Central or State level within a period of seven working days from the date of issuance or confirmation, as the case may be.
- (6) No interception order under sub-rule (2) or (3) shall be made unless the authority issuing such order has considered that it would not be possible to acquire the necessary information by any other reasonable means.
- (7) The interception pursuant to an interception order shall be related to the interception of any message or class of messages as are sent to or from any person or class of persons or relating to any particular subject, whether such message or class of messages are received at one or more addresses as may be specified in the order, or which are likely to be used for the transmission of message or class of messages from or to one particular person specified in the order, or any set of premises or telecommunication equipment specified in the order.
- (8) An interception order shall -
 - (a) specify the authorised agency and designation of the officer in such agency that will undertake the interception;
 - (b) specify the reasons for such interception pursuant to sub-section (2) of section 20 of the Act, and limit the use of any intercepted message to the provisions of sub-section (2) of section 20; and
 - (c) remain in force, unless revoked earlier, for a period not exceeding sixty days from the date specified in such order, and may be renewed for further periods:

Provided that no interception order shall remain in force beyond the duration of one hundred and eighty days.

- (9) The authorised agency undertaking the interception as specified under clause (a) of sub-rule (8), shall maintain secure records, including but not limited to-
 - (a) the intercepted message or class of messages;
 - (b) the particulars of persons whose message or class of messages has been intercepted;
 - (c) the name and particulars of the officer or the authorised agency to whom the intercepted message or class of messages has been disclosed;
 - (d) the number of physical or digital copies of the intercepted message or class of messages made;
 - (e) the mode or the method by which such copies are made;
 - (f) the date of destruction of the copies; and
 - (g) the duration for which the directions for interception in an interception order are remain in force.
- (10) Nothing in these rules shall apply to the demonstration and testing of lawful interception systems and monitoring facilities undertaken pursuant to the prior written directions from the Department of Telecommunications.

4. Obligations relating to Interception. - (1) Each authorised agency shall authorise two nodal officers, not below the rank of Superintendent of Police or equivalent rank, to communicate an interception order issued under sub-rule (2) or (3) of rule 3 to the nodal officer of the Department of Telecommunications or nodal officer of the telecommunication entity, as the case may be.

(2) The Department of Telecommunications shall authorise two nodal officers in every service area to receive and act upon the interception orders.

(3) Each telecommunication entity shall notify to the Central Government, the contact details including name, designation, phone number and email address of two senior employees in every service area of its operation, authorised as nodal officers to implement the interception orders.

(4) The authorised agency, the Department of Telecommunications, and telecommunication entity shall ensure that –

- (a) any matter relating to an interception order is handled only by nodal officers authorised for this purpose;
- (b) adequate and effective internal safeguards are implemented to prevent any unauthorised interception of messages; and
- (c) confidentiality and extreme secrecy is maintained and utmost care and precaution is taken in the matter of interception of messages.

(5) The nodal officer of the authorised agency specified in the interception order shall convey the interception order to the nodal officer of the Department of Telecommunications or to the nodal officer of the relevant telecommunication entity, as the case may be, in writing or using other secure mode of communication as determined by the Central Government for this purpose:

Provided that any physical delivery of such order shall be done only by an officer not below the rank of Sub-Inspector of Police or an officer of equivalent rank.

(6) The nodal officer of the Department of Telecommunications or the telecommunication entity, as the case may be, shall –

- (a) within two hours of receiving the communication under sub-rule (5), send an acknowledgement of such receipt to the authorised agency; and
- (b) submit fortnightly reports on the first and sixteenth of each month to the authorised agency from which it received such communication, comprising the list of interception orders received during the preceding fortnight with details including reference number and date of interception orders issued or confirmed, as the case may be, under sub-rule (2) or (3) of rule 3, date and time of receipt of such orders, and the date and time of implementation of such orders.

(7) The telecommunication entity shall be responsible for any action of its employees, including its vendors, that results in any unauthorised interception, or any violation of these rules.

(8) Records relating to interception shall be:

- (a) maintained by ensuring confidentiality and extreme secrecy; and
- (b) destroyed in a secure manner while maintaining extreme secrecy:
 - (i) every six months by authorised agency, competent authority and review committee, unless these are, or likely to be, required for functional requirements or under court directions; and
 - (ii) within two months of discontinuation of an order of interception, by the Department of Telecommunications and the telecommunication entity.

(9) The obligations set forth under this rule shall not apply to a telecommunication entity that holds, or is exempted from the requirement of, an authorisation under clause (c) of sub-section (1) of section 3 of the Act.

5. Constitution and working of the review committee. – (1) The Central Government shall constitute a review committee, consist of the following members, namely:–

- | | |
|---|---------------|
| (a) Cabinet Secretary | -Chairperson; |
| (b) Secretary, Department of Legal Affairs, Ministry of Law and Justice | -Member; and |
| (c) Secretary, Department of Telecommunications | -Member. |

(2) Every State Government shall constitute a review committee, consist of the following members, namely:—

- | | |
|--|---------------|
| (a) Chief Secretary of the State | -Chairperson; |
| (b) Secretary Law or Legal Remembrancer In-charge, Legal Affairs | -Member; and |
| (c) Secretary to the State Government, other than the Home Secretary | -Member. |

(3) The review committee constituted under sub-rules (1) and (2) shall meet every two months and record its findings as regards whether the interception orders under rule 3 are in accordance with the provisions of sub-sections (2) and (4) of section 20 of the Act.

(4) Where the review committee is of the opinion that the interception order is not in accordance with sub-section (2) read with sub-section (4) of section 20 of the Act, it may set aside such order and order for destruction of the copies of the intercepted message or class of messages.

[F. No. 24-06/2024-UBB]

DEVENDRA KUMAR RAI, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಅಭೀಫಾ ಉಸ್ತಾನಿ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-07

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಶಾಇ 26 ಕೇಶಾಪು 2024

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03.01.2025.

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Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE BHARATIYA VAYUYAN ADHINIYAM, 2024
(NO.16 OF 2024) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 20] नई दिल्ली, बुधवार, दिसम्बर 11, 2024/अग्रहायण 20, 1946 (शक)

No. 20] NEW DELHI, WEDNESDAY, DECEMBER 11, 2024/AGRAHAYANA 20, 1946 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 11th December, 2024/Agrahayana 20, 1946 (Saka)

The following Act of Parliament received the assent of the President on the 11th December, 2024 and is hereby published for general information:—

THE BHARATIYA VAYUYAN ADHINIYAM, 2024

No. 16 OF 2024

[11th December, 2024.]

An Act to provide for regulation and control of the design, manufacture, maintenance, possession, use, operation, sale, export and import of aircraft and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Bharatiya Vayuyan Adhiniyam, 2024.

(2) It extends to the whole of India and applies to—

(a) citizens of India wherever they may be;

(b) the aircraft, and the persons on aircraft, registered in India wherever they may be;

(c) the aircraft, and the persons on aircraft, registered outside India, but for the time being in or over India; and

(d) an aircraft operated by a person who is not a citizen of India but has his principal place of business or permanent residence in India.

Short title,
extent,
application and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) “aerodrome” means any definite or limited ground or water area intended to be used, either wholly or in part, for the landing, departure and surface movement of aircraft, and includes all buildings, sheds, vessels, piers and other structures thereon or appertaining thereto;

(2) “aerodrome reference point”, in relation to any aerodrome, means a designated point established in the horizontal plane at or near the geometric centre of that part of the aerodrome reserved for the departure or landing of aircraft;

(3) “aircraft” means any machine that can derive support in the atmosphere from reactions of the air, other than reactions of the air against the earth’s surface;

(4) “Aircraft Accidents Investigation Bureau” means the Aircraft Accidents Investigation Bureau constituted under section 7;

(5) “Bureau of Civil Aviation Security” means the Bureau of Civil Aviation Security constituted under section 5;

(6) “design” means the set of data and information that defines the configuration of an aeronautical product type, its associated parts and appliances for the purpose of airworthiness determination;

(7) “Directorate General of Civil Aviation” means the Directorate General of Civil Aviation constituted under section 3;

(8) “export” means taking out of India;

(9) “import” means bringing into India;

(10) “maintenance” means the performance of the tasks on an aircraft, engine, propeller or associated part required to ensure the continuing airworthiness of an aircraft, engine, propeller or associated part including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;

(11) “manufacture” means the performance of tasks that involve assembly or production of aircraft, engine, propeller or associated parts and appliances in conformity with its applicable design including prototype;

(12) “prescribed” means prescribed by rules made under this Act.

CHAPTER II

DIRECTORATE GENERAL OF CIVIL AVIATION

Directorate
General of
Civil
Aviation.

3. (1) The Directorate General of Civil Aviation constituted under the Aircraft Act, 1934 shall be deemed to have been constituted under this Act, which shall be headed by an officer designated as the Director General of Civil Aviation appointed in this behalf by the Central Government by notification in the Official Gazette.

22 of 1934.

(2) The Directorate General of Civil Aviation shall be responsible for carrying out the safety oversight and regulatory functions in respect of matters specified in this Act or the rules made thereunder.

(3) The administration of the Directorate General of Civil Aviation shall vest in the Director General of Civil Aviation.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Civil Aviation may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

4. (1) The Director General of Civil Aviation or any other officer specially empowered in this behalf by the Central Government may, from time to time, by order, issue directions, consistent with the provisions of this Act and the rules made thereunder, with respect to any of the matters specified in clauses (b), (e), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (w), (zb), (zc), (zd) and (zf) of sub-section (2) of section 10, to any person or persons using any aerodrome or engaged in the aircraft operations, air traffic control, maintenance and operation of aerodrome, communication, navigation, surveillance and air traffic management facilities and safeguarding civil aviation against acts of unlawful interference, in any case where the Director General of Civil Aviation or such other officer is satisfied that in the interests of the security of India or for securing the safety of aircraft operations it is necessary so to do.

Power of
Director General
of Civil
Aviation to issue
directions.

(2) Every order passed under sub-section (1) shall be complied with by the person to whom such order is issued.

CHAPTER III

BUREAU OF CIVIL AVIATION SECURITY

5. (1) The Bureau of Civil Aviation Security constituted under the Aircraft Act, 1934 shall be deemed to have been constituted under this Act, which shall be headed by an officer designated as the Director General of Bureau of Civil Aviation Security appointed in this behalf by the Central Government by notification in the Official Gazette.

Bureau of Civil
Aviation
Security.

(2) The Bureau of Civil Aviation Security shall be responsible for carrying out the regulatory and oversight functions in respect of matters relating to civil aviation security specified in this Act or the rules made thereunder.

(3) The administration of the Bureau of Civil Aviation Security shall vest in the Director General of Bureau of Civil Aviation Security.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Bureau of Civil Aviation Security may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

6. (1) The Director General of Bureau of Civil Aviation Security or any other officer specially empowered in this behalf by the Central Government may, from time to time, by order, issue directions, consistent with the provisions of this Act and the rules made thereunder, with respect to any of the matters specified in clauses (i), (j), (o), (ze), and (zg) of sub-section (2) of section 10, to any person or persons using any aerodrome, or engaged in the aircraft operations, air traffic control, maintenance and operation of aerodrome, or safeguarding civil aviation against acts of unlawful interference, in any case where the Director General of Bureau of Civil Aviation Security or such other officer is satisfied that in the interests of the security of India or to ensure security of civil aviation operations, it is necessary so to do.

Power of
Director General
of Bureau of
Civil Aviation
Security to issue
directions.

(2) Every person to whom the order is issued under sub-section (1) shall comply with such order.

CHAPTER IV

AIRCRAFT ACCIDENTS INVESTIGATION BUREAU

7. (1) The Aircraft Accidents Investigation Bureau constituted under the Aircraft Act, 1934 shall be deemed to have been constituted under this Act, which shall be headed by an officer designated as the Director General of Aircraft Accidents Investigation Bureau appointed in this behalf by the Central Government by notification in the Official Gazette.

Aircraft
Accidents
Investigation
Bureau.

(2) The Aircraft Accidents Investigation Bureau shall be responsible for carrying out the functions in respect of matters relating to investigation of aircraft accidents or incidents specified in this Act or the rules made thereunder.

22 of 1934.

22 of 1934.

(3) The administration of the Aircraft Accidents Investigation Bureau shall vest in the Director General of Aircraft Accidents Investigation Bureau.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Aircraft Accidents Investigation Bureau may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

CHAPTER V

POWERS OF CENTRAL GOVERNMENT

Superintendence
of Central
Government.

8. The superintendence of the Directorate General of Civil Aviation, the Bureau of Civil Aviation Security and the Aircraft Accidents Investigation Bureau shall vest in the Central Government, which shall have the power to issue directions to each of these organisations, on any matters falling under sub-section (2) of sections 3, 5 and 7, respectively, if it considers necessary or expedient so to do in the public interest.

Power of
Central
Government to
review orders
passed under
section 4 or
section 6.

9. (1) Where the Central Government considers it necessary or expedient so to do in the public interest, it may, on receipt of a representation from any person or otherwise, review any order passed by the Director General of Civil Aviation under section 4 or by the Director General of Bureau of Civil Aviation Security under section 6 and issue such directions, as it deems fit, to the concerned Director General to rescind or modify the order so passed.

(2) The Director General of Civil Aviation or the Director General of Bureau of Civil Aviation Security, as the case may be, shall comply with every direction issued under sub-section (1) and either rescind or modify the order so passed by him under section 4 or section 6, as the case may be.

Power of
Central
Government
to make rules.

10. (1) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules regulating the design, manufacture, maintenance, possession, use, operation, sale, import or export of any aircraft or class of aircraft and for securing the safety of aircraft operations.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the authorities by which any of the powers conferred by or under this Act are to be exercised;

(b) the regulation of air transport services, and the prohibition of the use of aircraft in such services except under the authority of and in accordance with a licence authorising the establishment of the service;

(c) the economic regulation of civil aviation and air transport services, including the approval, disapproval or revision on tariff of operators of air transport services, other than the tariff referred to in clause (a) of sub-section (1) of section 13 of the Airports Economic Regulatory Authority of India Act, 2008; the officers or authorities who may exercise powers in this behalf; the procedure to be followed and the factors to be taken into account by such officers or authorities; appeals to the Central Government against orders of such officers or authorities and all other matters connected with such tariff.

27 of 2008.

Explanation.—For the purposes of this clause, “tariff” includes fares, rates, valuation charges and other charges for air transport of passengers or goods, the rules, regulations, practices or services affecting such fares, rates, valuation charges and other charges and the rates, terms and conditions of commission payable to passenger or cargo sales agents;

(d) the information to be furnished by an applicant for, or the holder of, a licence authorising the establishment of an air transport service to such authorities as may be specified in the rules;

(e) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained and the prohibition or regulation of the use of unlicensed aerodromes;

(f) the fees which may be charged at those aerodromes to which the Airports Authority of India Act, 1994 or the Airports Economic Regulatory Authority of India Act, 2008 does not apply or are not made applicable;

(g) the inspection and control of the design, manufacture, repair and maintenance of aircraft and of places where aircraft are being designed, manufactured, repaired or kept;

(h) the registration and marking of aircraft;

(i) the conditions under which aircraft may be flown, or may carry passengers, mails or goods, or may be used for industrial purposes and the certificates, licences or documents to be carried by aircraft;

(j) the inspection of aircraft or any facility for the design, manufacture, maintenance, or operation of aircraft for the purpose of enforcing the provisions of this Act and the rules thereunder;

(k) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft;

(l) the licensing of persons engaged in air traffic control;

(m) the certification and licensing of personnel engaged in the operation of radio telephone or telegraph for the conduct of operation and maintenance of aircraft and associated equipment;

(n) the certification, inspection and regulation of communication, navigation and surveillance and air traffic management facilities;

(o) the measures to safeguard civil aviation against acts of unlawful interference;

(p) the regulation of air navigation services, that is, aeronautical information services, aeronautical charting and cartography services, aeronautical meteorological services, search and rescue services, procedure for air navigation services and aircraft operations other than those referred to in clause (n) and any other matter relating to air navigation services;

(q) the air-routes by which, and the conditions under which, aircraft may enter or leave India, or may fly within or over India, and the places at which aircraft shall land or take-off;

(r) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times, or subject to specified conditions and exceptions;

(s) the supply, supervision and control of air-route beacons, aerodrome lights, and lights at or in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes;

(t) the installation and maintenance of lights on private property in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes, by the owners or occupiers of such property, the payment by the Central Government for such installation and maintenance, and the supervision and control of such installation and maintenance, including the right of access to the property for such purposes;

(u) the signals to be used for purposes of communication by or to aircraft and the apparatus to be employed in signaling;

(v) the prohibition and regulation of the carriage in aircraft of any specified article, dangerous goods or substance;

(w) the measures to be taken and the equipment to be carried for the purpose of ensuring the safety of life;

(x) the issue and maintenance of log-books;

(y) the manner and conditions of the issue or renewal of any licence, certificate or approval under this Act or the rules made thereunder, the examinations and tests to be undergone in connection therewith, the form, custody, production, endorsement, cancellation, suspension or surrender of such licence, certificate or approval, or of any log-book;

(z) the fees to be charged in connection with any inspection, examination, test, certificate, licence or approval, made, issued or renewed under this Act;

(za) the recognition for the purposes of this Act of licences and certificates issued elsewhere than in India relating to aircraft or to the qualifications of persons employed in the operation, manufacture, repair or maintenance of aircraft;

(zb) the prohibition of slaughtering and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matter within a radius of ten kilometres from the aerodrome reference point;

(zc) regulation for control of obstruction limiting surfaces around an aerodrome or communication and navigation services facility;

(zd) safety oversight and regulatory functions;

(ze) security oversight and its regulatory functions;

(zf) the areas and manner in which the Director General of Civil Aviation may issue directions for carrying out safety oversight and regulatory functions and grant exemption from compliance with such directions;

(zg) the areas and manner in which the Director General of Bureau of Civil Aviation Security may issue directions for carrying out security oversight functions and grant exemption from compliance with such directions;

(zh) to determine the amount of monetary penalty;

(zi) any matter subsidiary or incidental to the matters referred to in this sub-section.

Power of
Central
Government
to make
rules to
implement
Convention.

11. (1) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make such rules as appear to it to be necessary for carrying out the Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944 (including any Annex thereto relating to international standards and recommended practices) as amended from time to time.

(2) Notwithstanding anything contained in the Telecommunications Act, 2023, but subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make such rules as may appear to it to be necessary or expedient for the issuance of Radio Telephone Operator (Restricted) Certificate and Licence to persons engaged in the operation and maintenance of aircraft, in accordance with the applicable provisions of the International Telecommunication Convention as amended from time to time.

12. (1) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules providing for the investigation of any accident or incident arising out of or in the course of the navigation—

Power of Central Government to make rules for investigation of accidents.

(a) in or over India of any aircraft; or

(b) anywhere of aircraft registered in India.

(2) Without prejudice to the generality of the foregoing power, such rules may—

(a) require notice to be given of any accident or incident in such manner and by such person as may be specified therein;

(b) apply for the purposes of such investigation, either with or without modification, the provisions of any law for the time being in force relating to the investigation of accident or incident;

(c) prohibit pending investigation access to or interference with aircraft to which an accident or incident has occurred, and authorise any person so far as may be necessary for the purposes of an investigation to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft; and

(d) authorise or require the cancellation, suspension, endorsement or surrender of any licence or certificate granted or recognised under this Act when it appears on an investigation that the licence ought to be so dealt with, and provide for the production of any such licence for such purpose.

13. Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules for the prevention of danger arising to the public health by the introduction or spread of any infectious or contagious disease from aircraft arriving at or being at any aerodrome and for the prevention of the conveyance of infection or contagion by means of any aircraft leaving an aerodrome and in particular and without prejudice to the generality of this provision may make, with respect to aircraft and aerodromes or any specified aerodrome, rules providing for any of the matters for which rules under sub-clauses (i) to (viii) of clause (p) of sub-section (1) of section 6 of the Indian Ports Act, 1908, may be made with respect to vessels and ports.

Power of Central Government to make rules for protecting public health.

15 of 1908.

14. (1) If the Central Government is satisfied that India or any part thereof is visited by or threatened with an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, the Central Government may take such measures as it deems necessary to prevent such danger.

Emergency powers of Central Government for protecting public health.

(2) In any such case the Central Government may, without prejudice to the powers conferred by section 13, by notification in the Official Gazette, make such temporary rules with respect to aircraft and persons travelling or things carried therein and aerodromes as it deems necessary in the circumstances.

(3) Notwithstanding anything contained in section 34, the power to make rules under sub-section (2) shall not be subject to the condition of the rules being made after previous publication, but such rules shall not remain in force for more than three months from the date of notification:

Provided that the Central Government may by special order continue them in force for a further period or periods of not more than three months in all.

Power of
Central
Government
to make
orders in
emergency.

15. (1) If the Central Government is of opinion that in the interest of public safety or tranquillity the issue of all or any of the following orders is expedient, it may, by notification in the Official Gazette,—

(a) cancel or suspend, either absolutely or subject to such conditions as it may think fit to specify in the order, all or any licence, certificate or approval issued under this Act;

(b) prohibit, either absolutely or subject to such conditions as it may think fit to specify in the order, or regulate in such manner as may be contained in the order, the flight of all or any aircraft or class of aircraft over the whole or any portion of India;

(c) prohibit, either absolutely, or conditionally, or regulate the erection, maintenance or use of any aerodrome, aircraft facility, Flying Training Organisation or place where aircraft are designed, manufactured, repaired or kept, or any class or description thereof; and

(d) direct that any aircraft or class of aircraft or any aerodrome, aircraft facility, Flying Training Organisation or place where aircraft are designed, manufactured, repaired or kept, together with any machinery, plant, material or things used for the design, operation, manufacture, repair or maintenance of aircraft shall be delivered, either forthwith or within a specified time, to such authority and in such manner as it may specify in the order, to be at the disposal of that Government for the public service.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any rule made under this Act.

(3) Any person who suffers direct injury or loss by reason of any order made under clause (c) or clause (d) of sub-section (1) shall be paid such compensation as may be determined by such authority as the Central Government may appoint in this behalf.

(4) The Central Government may authorise such steps to be taken to secure compliance with any order made under sub-section (1) as appear to it to be necessary.

(5) Whoever knowingly disobeys, or fails to comply with, or does any act in contravention of, an order made under sub-section (1), shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and the Court by which he is convicted may direct that the aircraft or thing (if any) in respect of which the offence has been committed, or any part of such thing, shall be forfeited to the Central Government.

Power of
Central
Government
to make
rules for
securing safe
custody and
re-delivery
of unclaimed
property.

16. Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules which may provide for securing the safe custody and re-delivery of any property which, while not in proper custody, is found on any aerodrome or in any aircraft on any aerodrome and any such rules may, in particular, provide for—

(a) the payment of charges in respect of any such property before it is re-delivered to the person entitled thereto; and

(b) the disposal of any such property in cases where the same is not re-delivered to the person entitled thereto before the expiration of such period as may be specified therein.

Power to
detain
aircraft.

17. (1) Any authority authorised in this behalf by the Central Government may detain any aircraft, if in the opinion of such authority—

(a) having regard to the nature of an intended flight, the flight of such aircraft would involve danger to persons in the aircraft or to any other person or property; or

(b) such detention is necessary to secure compliance with any of the provisions of this Act or the rules applicable to such aircraft; or such detention is necessary to prevent a contravention of any rule made under clause (q) or clause (r) of sub-section (2) of section 10 or to implement any order made by any court.

(2) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules regulating all matters incidental or subsidiary to the exercise of this power.

18. (1) If the Central Government is of opinion that it is necessary or expedient so to do for the safety of aircraft operations, it may, by notification in the Official Gazette,—

Power of Central Government to prohibit or regulate construction of buildings, planting of trees, and the like.

(a) direct that no building or structure shall be constructed or erected, or no tree shall be planted on any land within such radius, not exceeding twenty kilometres from the aerodrome reference point, as may be specified in the notification and where there is any building, structure or tree on such land, also direct the owner or the person having control of such building, structure or tree to demolish such building or structure or, as the case may be, to cut such tree within such period as may be specified in the notification;

(b) direct that no building or structure higher than such height as may be specified in the notification shall be constructed or erected, or no tree, which is likely to grow or ordinarily grows higher than such height as may be specified in the notification, shall be planted, on any land within such radius, not exceeding twenty kilometres from the aerodrome reference point, as may be specified in the notification and where the height of any building or structure or tree on such land is higher than the specified height, also direct the owner or the person having control of such building, structure or tree to reduce the height thereof so as not to exceed the specified height, within such period as may be specified in the notification.

(2) In specifying the radius under clause (a) or clause (b) of sub-section (1) and in specifying the height of any building, structure or tree under the said clause (b), the Central Government shall have regard to—

(a) the nature of the aircraft operated or intended to be operated in the aerodrome; and

(b) the international standards and recommended practices governing the operation of aircraft.

(3) Where any notification has been issued under sub-section (1) directing the owner or the person having control of any building, structure or tree to demolish such building or structure or to cut such tree or to reduce the height of any building, structure or tree, a copy of the notification containing such direction shall be served on the owner or the person having the control of the building, structure or tree, as the case may be,—

(a) by delivering or tendering it to such owner or person; or

(b) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such owner or person or any adult member of the family of such owner or person or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain or delivering by mail or any other electronic means; or

(c) failing service by any of the means specified in clause (a) or clause (b), by post.

(4) Every person shall be bound to comply with any direction contained in any notification issued under sub-section (1).

Power of Central Government to restrict, suspend or cancel licence, certificate or approval.

19. (1) Notwithstanding anything contained in this Act, if any person contravenes any of the provisions of this Act or the rules made or the directions issued thereunder, the Central Government or any officer authorised in this behalf, may impose any restriction or suspend or cancel the licence, certificate or approval issued to such person under this Act, in such manner as may be prescribed.

(2) On being satisfied that there has been contravention of the provisions of the Act or the rules made or directions issued under this Act by any person, the Central Government or any officer authorised under sub-section (1) may, by an order in writing,—

(i) suspend or cancel the licence, certificate or approval; or

(ii) impose restrictions on the licence, certificate or approval,

issued to such person stating the nature of contravention of the respective provisions of the Act, rule or the direction which has been contravened and the reasons for such suspension or cancellation or imposition of restriction.

(3) The Central Government or the officer authorised under sub-section (1) shall, before passing an order under sub-section (2), give an opportunity of being heard to the person concerned.

(4) The Central Government may, in the rules made under this section, specify the grounds on which the licence, certificate or approval may be suspended or the circumstances under which such restrictions may be imposed with immediate effect.

Power of Central Government to exempt certain aircraft.

20. The Central Government may, by notification in the Official Gazette, and for the reasons provided therein, exempt from all or any of the provisions of this Act or the rules made thereunder, any aircraft or class of aircraft and any person or class of persons, or may direct that such provisions shall apply to such aircraft or persons subject to such modifications as may be specified in the notification.

Power of Central Government to delegate.

21. The Central Government may, by order published in the Official Gazette, direct that the powers (except the power to make rules under this Act) exercisable by it under this Act may also be exercisable by the Director General of Civil Aviation or the Director General of Bureau of Civil Aviation Security or the Director General of Aircraft Accidents Investigation Bureau or any other officer or authority specifically empowered in this behalf by the Central Government.

CHAPTER VI

PAYMENT OF COMPENSATION FOR LOSS OR DAMAGE

Manner of determination and payment of compensation for loss or damage.

22. (1) If in consequence of any direction contained in any notification issued under sub-section (1) of section 18, any person sustains any loss or damage, such person shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the Central Government shall appoint as arbitrator a person who is or has been qualified for appointment as a Judge of a High Court;

(c) the Central Government may, in any particular case, nominate a person having adequate knowledge as to the nature of the loss or damage suffered by the person to be compensated and where such nomination is made, the person to be compensated may also nominate an assessor for the same purpose;

(d) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what, in their respective opinion, is a fair amount of compensation;

(e) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specify the person or persons to whom such compensation shall be paid; and in making the award he shall have regard to the circumstances of each case and,—

(i) the damage sustained by the person to be compensated in his earnings;

(ii) if in consequence of any direction contained in any notification issued under sub-section (1) of section 18, the market value of the land immediately after the issue of such notification is diminished, the diminution in such market value;

(iii) where any building or structure has been demolished or any tree has been cut or the height of any building, structure or tree has been reduced in pursuance of any direction, the damage sustained by the person to be compensated in consequence of such demolition, cutting or reduction and the expenses incurred by such person for such demolition, cutting or reduction;

(iv) if the person to be compensated is compelled to change his residence or place of business, the reasonable expenses, if any, that may have to be incurred by him incidental to such change;

(f) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons;

(g) nothing in the Arbitration and Conciliation Act, 1996 shall apply to arbitrations under this section.

(2) Every award made by the arbitrator under clause (e) of sub-section (1) shall also state the amount of costs incurred in the proceedings before it and by what persons and in what proportions they are to be paid.

23. Any person aggrieved by an award of the arbitrator made under section 22 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the aerodrome is situate:

Appeal from award in respect of compensation.

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

24. The arbitrator appointed under section 22, while holding arbitration proceedings under this Act, shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

Arbitrator to have certain powers of civil courts.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any court or office;

(e) issuing commissions for examination of witnesses.

26 of 1996.

5 of 1908.

CHAPTER VII

OFFENCES AND PENALTIES

Penalty for contravention of rule made under this Act.

25. (1) If any person contravenes any provision of any rule made under clause (v) of sub-section (2) of section 10 prohibiting or regulating the carriage in aircraft of arms, explosives or other dangerous goods, or when required under the rules made under that clause to give information in relation to any such goods gives information which is false and which he either knows or believes to be false or does not believe to be true, he, and if he is not the owner, the owner also (unless the owner proves that the offence was committed without his knowledge, consent or connivance) shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one crore rupees, or with both.

(2) If any person contravenes any provision of any rule made under clause (zb) of sub-section (2) of section 10 prohibiting the slaughter and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matters within a radius of ten kilometres from the aerodrome reference point, he shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one crore rupees, or with both.

(3) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 an offence referred to in sub-section (2) shall be cognizable.

46 of 2023.

(4) In making any other rule under section 10, section 11, section 12, section 13, section 14 or section 17, the Central Government may, direct that a breach of it shall be punishable with imprisonment for a period which may extend to two years, or with fine which may extend to one crore rupees, or with both.

Penalty for flying so as to cause danger.

26. Whoever wilfully flies any aircraft in such a manner as to cause danger to any person or to any property on land or water or in the air shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one crore rupees, or with both.

Penalty for failure to comply with directions issued under section 4 or section 6.

27. If any person wilfully fails to comply with any direction issued under section 4 or section 6, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one crore rupees, or with both.

Penalty for failure to comply with directions issued under section 18.

28. (1) If any person wilfully fails to comply with any direction contained in any notification issued under section 18, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one crore rupees, or with both.

(2) Without prejudice to the provisions of sub-section (1), if any person fails to demolish any building or structure or cut any tree or fails to reduce the height of any building, structure or tree in pursuance of any direction contained in any notification issued under sub-section (1) of section 18 within the period specified in the notification, then, subject to such rules as the Central Government may make in this behalf, it shall be competent for any officer authorised by the Central Government in this behalf to demolish such building or structure or cut such tree or reduce the height of such building, structure or tree:

Provided that the power to make rules under this sub-section shall be subject to the provisions of section 34.

Penalty for abetment of offences and attempted offences.

29. Whoever abets the commission of any offence under this Act or the rules or attempts to commit such offence, and in such attempt does any act towards the commission of the offence, shall be liable to the punishment provided for the offence.

46 of 2023.

30. (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, any offence punishable under this Act or under any rules made thereunder, not being an offence punishable with imprisonment only, or punishable with imprisonment and also with fine, may be compounded, either before or after the institution of any prosecution, by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be, in such manner, and for such amount not exceeding one crore rupees, as may be prescribed.

Composition of offences.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date of commission of a similar offence which was earlier compounded or for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Central Government.

(4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence by an officer referred to in sub-section (1) against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought to the notice of the court in which the prosecution is pending, in writing, by the officer referred to in sub-section (1), and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) The composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

(8) No offence specified in sub-section (1) shall be compounded except as provided in this section.

31. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by or with the previous sanction in writing by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be.

Cognizance of offences.

(2) The complaint referred to in sub-section (1) shall be made within a period of one year from the date on which the offence came to the knowledge of the Director General of Civil Aviation or the Director General of Bureau of Civil Aviation Security or the Director General of Aircraft Accidents Investigation Bureau, as the case may be.

46 of 2023.

(3) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, no court inferior to that of a Judicial Magistrate of the first class shall try the offences under this Act.

32. (1) Notwithstanding anything contained in section 25, the Central Government may, in making any rule under section 10, section 11, section 12, section 13, section 14, or section 17, provide for imposition of penalty, not exceeding one crore rupees as may be prescribed, for the contravention of any rule.

Adjudication of penalties.

(2) The Central Government may, by an order published in the Official Gazette, appoint such number of officers not below the rank of Deputy Secretary to the Government of India or equivalent, as it considers necessary, to be designated officers for adjudging penalty under sub-section (1), in such manner as may be prescribed.

(3) The Central Government may, while appointing designated officers under sub-section (2), also specify their jurisdiction in that order.

(4) Where the designated officer is satisfied that any contravention of the provisions of the rules has been committed by any person, he may, by an order in writing, impose penalty on such person stating the nature of contravention, the provision of rules which has been contravened and the reasons for imposing such penalty:

Provided that the designated officer shall, before imposing any penalty, give an opportunity of being heard to such person:

Provided further that the designated officer shall not proceed for imposition of penalty under sub-section (4), if an action under this Act other than the imposition of such penalty has been initiated for contravention of same provision on the same cause of action.

Appeal.

33. (1) Any person aggrieved by any order made under sub-section (2) of section 19 or under sub-section (4) of section 32, may prefer an appeal to the First Appellate Officer having jurisdiction in the matter who is next higher in rank to such officer who has passed the order.

(2) The First Appellate Officer may, after giving an opportunity of being heard to the parties, pass such order, as he thinks fit, confirming, modifying or setting aside the order appealed against.

(3) Any person aggrieved by any order passed by the First Appellate Officer, may prefer an appeal to the Second Appellate Officer having jurisdiction in the matter who is next higher in rank to the First Appellate Officer.

(4) The Second Appellate Officer may, after giving an opportunity of being heard to the parties, pass such order as he thinks fit, confirming, modifying or setting aside the order passed by the First Appellate Officer.

(5) Notwithstanding anything contained in the foregoing sub-sections, the appeal under sub-section (1) or under sub-section (3) against an order passed by the Director General of Civil Aviation or the Director General of Bureau of Civil Aviation Security shall lie to the Central Government.

(6) Where any order under sub-section (5) is passed by the Central Government, no further appeal shall lie against such order.

(7) Every appeal under this section shall be filed within thirty days from the date of receipt of the copy of the order passed, and in such form and manner and accompanied with such documents and fee as may be prescribed:

Provided that the said period may be extended by such further period, for reasons to be recorded in writing, but not exceeding thirty days.

CHAPTER VIII

MISCELLANEOUS

Rules to be made after publication.

34. Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication:

Provided that the Central Government may, in the public interest, by order in writing, dispense with the condition of previous publication in any case.

Laying of rules before Parliament.

35. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

36. Where any person is convicted of an offence punishable under sub-section (1) of section 25 or under any rule made under clause (r) of sub-section (2) of section 10, the Court by which he is convicted may direct that the aircraft or article or substance, as the case may be, in respect of which the offence has been committed, shall be forfeited to the Central Government.

Power of Court to order forfeiture.

44 of 1958.

37. (1) The provisions of Part XIII of the Merchant Shipping Act, 1958, relating to Wreck and Salvage shall apply to aircraft on or over the sea or tidal water as they apply to ships, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft in like manner as the owner of a ship.

Wreck and salvage.

(2) The Central Government may, by notification in the Official Gazette, make such modifications of the said provisions in their application to aircraft as appear necessary or expedient.

39 of 1970.

38. The provisions of the Patents Act, 1970 shall apply to the use of an invention on any aircraft not registered in India in like manner as they apply to the use of an invention in a foreign vessel.

Use of patented invention on aircraft not registered in India.

39. No suit shall be brought in any civil court in respect of trespass or in respect of nuisance by reason only of the flight of aircraft over any property at a height above the ground which having regard to wind, weather and all the circumstances of the case is reasonable, or by reason only of the ordinary incidents of such flight.

Bar of certain suits.

40. No suit, prosecution or other legal proceeding shall lie against any person for anything done in good faith or intended to be done under this Act.

Protection of action taken in good faith.

41. Nothing in this Act or in any order or rule made thereunder other than a rule made under section 13 or under section 14 shall apply to or in respect of any aircraft belonging to or exclusively employed in the Navy, Army or Air Force of the Union or other armed forces of the Union constituted by any law for the time being in force, or to any person in such forces employed in connection with such aircraft:

Savings of application of Act.

Provided that any aircraft belonging to an armed forces of the Union other than Navy, Army or Air Force of the Union, for which the provisions of the Act which is repealed under section 43, and the rules made thereunder were applicable on the date of commencement of this Act, shall continue to be so governed by this Act and the rules made thereunder till such date as the Central Government may, by notification in the Official Gazette, specify.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of the Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and
savings.

43. (1) The Aircraft Act, 1934 is hereby repealed.

22 of 1934.

(2) Notwithstanding the repeal of the Act referred to in sub-section (1), anything done or any action taken or purported to have been done or taken, including any rule, regulation, notification, inspection or order made or issued; or any licence, certificate, approval, permission or exemption granted; or any document or instrument executed; or any direction issued; or any proceedings taken or any penalty, punishment, forfeiture or fine imposed under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(3) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal.

10 of 1897.

DR. RAJIV MANI,
Secretary to the Govt. of India.

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಶುಕ್ರವಾರ, ೧೦, ಜನವರಿ, ೨೦೨೫

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
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(ಅಭೀಫಾ ಉಸ್ತಾನಿ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
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